

**STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS**

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**EXECUTIVE DIRECTOR**  
Rupert T. Borgsmiller

**AGENDA**  
State Board of Elections  
Sitting as the Duly Authorized  
State Officers Electoral Board  
Monday, January 9, 2012  
10:00 a.m.

James R. Thompson Center – Suite 14-100  
Chicago, Illinois  
and via videoconference  
1020 South Spring Street  
Springfield, Illinois

**BOARD MEMBERS**

William M. McGuffage, Chairman  
Jesse R. Smart, Vice Chairman  
Harold D. Byers  
Betty J. Coffrin  
Ernest L. Gowen  
Judith C. Rice  
Bryan A. Schneider  
Charles W. Scholz

Call State Board of Elections to order.

1. Recess the State Board of Elections and convene as the State Officers Electoral Board.
2. Call cases and accept appearances - objections to candidate nominating petitions for the March 20, 2012 General Primary Election;
  - a) *Bromley v. Evans*, 12SOEBGP100;
  - b) *Bromley v. Canfield*, 12SOEBGP101;
  - c) *Brimm v. Newman*, 12SOEBGP102;
  - d) *Hoffman v. Farnick*, 12SOEBGP521;
  - e) *Petzel v. Ritter*, 12SOEBGP522;
  - f) *Rodriguez v. Rutagwibira*, 12SOEBGP523;
  - g) *Coyle & Bigger v. Miller*, 12SOEBGP524;
  - h) *Schaefflein & Brezinski*, 12SOEBGP525;
  - i) *Billerman & Pettlon v. Harris*, 12SOEBGP526;
  - j) *Cunningham v. Biggert*, 12SOEBGP527;
  - k) *Cunningham v. Harris*, 12SOEBGP528.
3. Approve the revised Rules of Procedure for the State Officers Electoral Board.
4. Appointment of Hearing Examiners - informational.
5. Consideration of objections to candidate nominating petitions for the March 20, 2012 General Primary Election;
  - a) *DeVivo v. Bradley*, 11SOEBGP500;
  - b) *Zurek v. Saviano*, 11SOEBGP501;
  - c) *McSweeney v. Rowe*, 11SOEBGP503;
  - d) *Young v. Jacobs*, 11SOEBGP504;
  - e) *Montgomery/Williams v. Mahon*, 11SOEBGP519;
6. Objections/Candidate withdrawn – informational;
  - a) *Lyons v. Jones*, 11SOEBGP100 – candidate withdrew;
  - b) *Koppie, Sr. v. Powers*, 11SOEBGP107 – candidate withdrew;
  - c) *Wooters/Cannon v. Roman*, 11SOEBGP103 – objector withdrew;

- d) *Harmon v. Dove*, 11SOEBGP108 – objector withdrew;
  - e) *Kim v. Barnhart*, 11SOEBGP109 – objector withdrew;
  - f) *Harris v. Harris*, 11SOEBGP507 – objector withdrew.
- 7. Other business.
  - 8. Recess the State Officers Electoral Board until Thursday, January 12, 2012 at 10:00 a.m. or until call of the Chairman whichever occurs first.
  - 9. Reconvene as the State Board of Elections.
  - 10. Other business.
  - 11. Adjourn until Thursday, January 12, 2012 at 10:00 a.m. or until call of the Chairman whichever occurs first.

# **RULES OF PROCEDURE**

## **ADOPTED BY THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NOMINATING PAPERS SEEKING TO PLACE ESTABLISHED POLITICAL PARTY CANDIDATES ON THE BALLOT FOR THE MARCH 20, 2012 PRIMARY ELECTION**

Pursuant to Section 10-10 of the *Election Code* (10 ILCS 5/10-10), the State Board of Elections, acting in its capacity as the State Officers Electoral Board (the "Board"), a duly constituted electoral board under Section 10-9 of the *Election Code*, hereby adopts the following rules of procedure:

### **1. EXPEDITED PROCEEDINGS**

On all hearing dates set by the Board or its designated hearing examiner, (other than the Initial Hearing of the Board) the objector and the candidate (at times individually referred to as "party" or collectively referred to as the "parties") shall be prepared to proceed with the hearing of their case. Due to statutory time constraints, the Board must proceed as expeditiously as possible to resolve the objections. Therefore, there will be no continuances or resetting of the initial hearing or future hearings except for good cause shown. The parties shall make themselves reasonably available by telephone (including cellular phone) during the day and at least until 7:00 P.M (or as otherwise directed by the Board or hearing examiner) for receipt of notice from the Board, from the hearing examiner, or from opposing parties during the course of these proceedings. If the Board or hearing examiner has made reasonable attempts to contact a party by telephone, cellular phone, fax or by e-mail at the number(s) or address(s) provided by that party and the party cannot be contacted or fails to respond to such contacts, the party will be deemed to have received constructive notice of the proceedings and the proceedings may go forward without the presence of that party. If a party has received actual or constructive notice of a hearing and fails to appear, the failure to appear shall constitute acquiescence by such party as to any action taken at that hearing or any agreement made by and between the parties present at the hearing.

### **2. CASE MANAGEMENT CONFERENCE (Initial Hearing)**

The Board will notify the parties to appear at a specified time and place for a conference with the General Counsel of the State Board of Elections, his designee or the Board's appointed hearing examiner for the purpose of considering issues such as scheduling, attendance of witnesses, filing of briefs and motions, discovery matters and any other proceedings intended to aid in the expeditious resolution of the objection. This is usually done at the same time as the initial hearing before the State Officers Electoral Board. Additional case management conferences may be called by the

Board, the General Counsel or the appointed Hearing Examiner when necessary. If an objector fails to appear at the initial hearing after having been sent due notice, the Board may dismiss the objection for want of prosecution. If a candidate fails to appear at the initial hearing, he/she will be bound by any decisions made by the Board, the General Counsel or the designated hearing examiner.

### **3. APPEARANCE**

The candidate or objector may appear in person on his or her own behalf and participate in any proceeding before the Board or may appear by an attorney licensed to practice law in the State of Illinois. Non-attorneys other than a party appearing pro se shall not appear or participate (including the offering of any argument or advocating a position to the Board, any counsel to the Board or the Board's appointed Hearing examiner) in the Board's hearings on behalf of either the candidate or the objector, except that non-attorneys may participate as observers or coordinators at any records examination on behalf of any party. Out of state attorneys may appear subject to Part 125.60(b) of the Rules and Regulations of the State Board of Elections. A party must file with the Board and other parties of the case a written appearance stating his or her name, address, telephone or cellular phone number, and, if available, a fax number and e-mail address as well as the name and contact information of his or her attorney, where appropriate.

Though every effort will be made by the Board or its designated Hearing Examiner to keep parties informed of upcoming events, parties shall be responsible for periodically checking the Board's website, with the Board's staff or the Board's hearing examiner to keep apprised of scheduled events in their case. The failure of a party to receive actual notice of an event posted on the Board's website regarding their case shall not prevent such event from proceeding as scheduled nor shall it invalidate any action taken at such event.

### **4. AUTHORITY OF THE BOARD**

The Board itself or through its duly appointed hearing examiner if applicable; (See Part 5 below) shall conduct all hearings and take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements, and to ensure the development of a clear and complete record. If a Hearing Examiner has been duly appointed, the Hearing Examiner shall preside over all such hearings. At the discretion of the Board or the hearing examiner, hearings may be conducted in two or more locations connected by telephonic or video conference; however, any witness who is going to provide verbal testimony must appear at the same location as the requesting party or its counsel (unless otherwise agreed by such requesting party or their counsel, and the hearing examiner or Board). The Board or its designated hearing examiner shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to:

- (a) Administer oaths and affirmations;



- (b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary, and in general conduct the proceedings according to recognized principles of administrative law and the provisions of these Rules;
- (c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- (d) Rule upon offers of proof and receive relevant evidence;
- (e) Direct parties to appear and confer for the stipulation of facts or simplification of issues, and otherwise conduct case management conferences;
- (f) Dispose of procedural requests or similar matters;
- (g) Issue subpoenas and rule upon objections to subpoenas (subject to the provisions of paragraph 8 below) and discovery requests;
- (h) Consider and rule upon all motions presented in the course of the proceedings except that a Motion to Strike or Dismiss an Objection or a Motion for Directed Verdict or its administrative equivalent can only be ruled upon by the Board. Unless otherwise directed by the hearing examiner, the hearing of the objection will proceed despite the filing of the above Motions;
- (i) Consider such competent and relevant evidence as may be submitted, including, but not limited to, documentary evidence, affidavits and oral testimony; and
- (j) Enter any order that further carries out the purpose of these Rules.

The Board may on its own motion, strike any objection if it determines that the objection does not meet the requirements set forth in 10 ILCS 5/10-8. Objections to individual signers and/or circulators must consist of a specific objection or objections to that particular signer or circulator. In addition, the Board on its own motion may strike any portion of an objection that it determines to be not well grounded in fact and/or law.

## **5. HEARING EXAMINERS**

In view of the time limitations and the amount of evidence to be presented, the Board may appoint a hearing examiner in any case which the Board deems such an appointment necessary or expedient. Any hearing examiner so appointed shall have the duties and powers of the Board as set forth in these rules, except that a hearing examiner shall not have the power to rule upon any motion which would be dispositive of the objection or issue a final decision. In addition, any hearing examiner

appointed by the Board is authorized and directed (a) to hold a full hearing and receive all evidence and argument, (b) to prepare a record of the hearing including a full transcript of court reporter stenographic notes of the proceedings (where the presence of a court reporter was determined necessary by the hearing examiner), (c) to prepare an outline of all the evidence, issues and argument (Such outline may be incorporated into the written recommendation.) and (d) to prepare recommendations, and proposal for decision for submission to the Board, the General Counsel and the parties. In cases where a hearing examiner is appointed, the Board shall not issue a final decision until a proposal for decision submitted by the Hearing Examiner is served upon the parties and an opportunity is afforded each party to take exceptions, whether written or oral, and, if the Board so permits, oral argument before the Board. The Board will make a final ruling on the objection and may consider the following as part of its consideration and appraisal of the record: the petition and the objection thereto, the hearing transcript, the hearing examiner's outline, recommendations and proposal for decision, and any exceptions, briefs, exhibits, offers of proof or arguments presented by the parties.

## **6. SERVICE OF DOCUMENTS**

All briefs, notices, documents, pleadings, answers and correspondence shall be served upon the opposing parties, or their attorneys if represented by counsel, and filed with the General Counsel and the hearing examiner where appropriate. All briefs, notices, documents, pleadings, answers and correspondence may be sent by telefax or e-mail attachment if the other receiving party or his or her representative agrees. In those instances where a telefax or an unsigned e-mail communication is used, a hard copy shall also be sent by regular mail. The date the telefax or e-mail attachment is sent shall be deemed the date notice is given.

## **7. MOTIONS PRACTICE**

### All Motions Generally

- (a) If a hearing examiner has been appointed, motions shall be addressed to the hearing examiner, with copies provided to the General Counsel's office in Springfield. The hearing examiner will decide motions in due course and will recommend a decision on dispositive motions to the Board. If a hearing examiner has not been appointed, motions will be filed with the General Counsel and will be decided by the Board.
- (b) The Board will decide all motions in cases in which no hearing examiner has been appointed. In accordance with the Open Meetings Act, the Board may meet by video conference call to rule on such motions. The Chairman may appoint a member of the Board or the staff of the Board to hear and decide for the Board all motions except dispositive motions. Motions addressed to the Board shall be thoroughly briefed so



as to minimize the time needed for oral argument. Such argument shall be permitted at the Board's discretion.

- (c) Motions for continuance are discouraged and will be granted only in extreme circumstances.

#### Dispositive Motions

- (d) The Board will decide all dispositive motions upon receipt of the recommendation of a hearing examiner and/ or the General Counsel.
- (e) Preliminary motions not already ruled upon and objections to an objector's petition in the nature of a motion to dismiss or strike the objections will be heard prior to the case on the merits if so directed by the Chairman. The Board may, in its discretion, reserve rulings on preliminary motions and objections pending further hearing thereon.
- (f) The Board may, upon its own motion with notice to the parties, dismiss for failure to prosecute an objection in any case where the objector fails to attend the initial meeting of the Board at which the objection is called or repeatedly fails to attend proceedings ordered by the Board or its duly appointed hearing examiner.

### **8. SUBPOENAS**

Any party desiring the issuance of a subpoena shall submit a request to the hearing examiner. Such request for subpoena may seek the attendance of witnesses at a deposition (evidentiary or discovery, however all depositions can be used for evidentiary purposes) or hearing and/or subpoenas *duces tecum* requiring the production of such books, papers, records and documents as may relate to any matter under inquiry before the Board. The request must be filed no later than 5PM on January 12<sup>th</sup> and shall include a copy of the subpoena itself and a detailed basis upon which the request is based. A copy of the request shall be given to the opposing party at the same time it is submitted to the hearing examiner. The hearing examiner shall submit the same to the Board (via General Counsel) no later than 3PM on Friday, January 13<sup>th</sup>. The Board shall meet on Tuesday, January 17<sup>th</sup> at 10AM to consider the same, and such request shall only be granted upon a minimum five vote majority of the Board. The opposing party may submit a response to the request; however any such response shall be given to the hearing examiner no later than 12PM on Friday, January 13<sup>th</sup>, who shall then transmit it to the Board along with the subpoena request. In addition, both parties shall be provided an opportunity to appear before the Board and at the Board's discretion may give oral argument. The Board may limit or modify the subpoena based on the arguments of the parties or on their own initiative. Any subpoena request received subsequent to 5PM on January 12<sup>th</sup> shall only be considered upon approval of the Board and only if the requesting party demonstrates to the satisfaction of the Board, that the need for the subpoena was not known on or before the December

28<sup>th</sup> deadline. In all cases, if approved by the Board, the party requesting the subpoena shall be responsible for proper service thereof.

In case any person so served shall neglect or refuse to obey a subpoena, or refuse to testify in a hearing before the Board or Hearing Examiner, the Board may, at the request of any party, file a petition in the Circuit Court setting forth the facts of such knowing refusal or neglect. The petition shall be accompanied by a copy of the subpoena, the return of service thereon and the sworn statement of the person before whom the witness was to appear that the witness did not so appear. The petition shall apply for an order of the Court requiring such person to comply with the duly issued subpoena.

## **9. RECORDS EXAMINATION**

At the direction of the Board or a hearing examiner, the parties may be directed to appear at a "records examination." Notice of same shall be provided by the Board or the hearing examiner. At the records examination, staff assigned by the Board shall, in an orderly and expeditious manner, search for and examine the State Board of Elections' computerized registration records for comparison to the names on the petition that have been objected to.

The Board or a hearing examiner may, in their discretion, order that a partial or sample records examination be conducted in order to test the validity of certain objections in the Objector's petition when it appears possible, viewing the face of the objections or upon other known facts, that the objections may not have been made as a result of a reasonable inquiry or investigation of the facts or were not made in good faith. In the alternative, the Board or hearing examiner may order, on its own motion or upon motion of the candidate, that the objector show cause as to why the objection should not be stricken as having not been well grounded in fact or in law. Failure to show such cause shall be grounds to strike the objection.

The Board's staff shall, based upon their examination of the relevant registration records, make and announce a finding as to whether certain objections in the Objector's petition are sustained or overruled. Such computerized voter registration records of the State Board of Elections and the staff findings as to whether the objections are sustained or overruled may be considered as evidence with respect to the objections described above.

Each party shall have the right to have designated and duly authorized representatives ("watchers"), including the party or the party's counsel, present during the records examination. No more than one watcher for each party may be assigned to any given computer terminal at which a records examination is being conducted. The failure of a watcher to timely appear at the examination shall not delay nor affect the validity of the examination and the records examination shall proceed.

Watchers are to participate as observers only. The Board's staff shall not be required to solicit the opinion of any watcher as to any matter nor consider such opinions if offered. Arguing with Board



staff or other abusive conduct will not be tolerated. By order of the General Counsel or his designee, a watcher may be ordered removed from the records examination proceedings for the conduct specified above and any other conduct that disrupts the orderly conduct of the proceedings and if necessary, this provision will be enforced by appropriate law enforcement. In the event of such removal, the Board may continue with the records examination in the absence of the removed watcher. A party may replace a removed watcher with another watcher; however the records examination will not be delayed by the absence of a replacement watcher.

Staff shall note their findings as to each objection on copies of the objected to petition sheets, indicating a sustained objection with the letter "s" and an overruled objection with the letter "o". Following the records examination, the copies of the petition sheets containing the staff rulings shall be proofread for accuracy by Board staff, and the rulings thereon shall be used to create a line by line computer generated printout of the results of the records examination. The said printout shall then be sent via e-mail or facsimile to the parties or their counsel. (If both parties are present at the conclusion of the records examination and such printout is available, it may be provided in person upon such conclusion.) The printout shall be so sent (or given) at the same date and time and such date and time shall serve as the commencement of the three (3) business day time period (aka, the Rule 9 Motion Period) described below. Copies (via electronic medium or hard copy) of the objected to petition sheets containing staff rulings will not be made available to the respective parties until noon on the next business day **at the earliest**.

The parties will be given an opportunity to present all objections to staff findings properly made at the records examination, to the Board or the hearing examiner at the evidentiary hearing on the merits of the objection scheduled by the Board or the hearing examiner. The party making the objection bears the burden of producing evidence proving that the staff finding was in error. Such evidence offered to refute the staff finding must be submitted to the Board or the hearing examiner no later than 5PM on the third business day following the date of the sending (or giving) of the printout described in the immediately preceding paragraph unless extended by the hearing examiner or Board. If any extension is given to the candidate or objector to rehabilitate or strike any signature at any time including the final hearing by the Board then the opposing party's time period to provide other evidence to rebut that submission shall be equally extended, even if it means a continuation of the final hearing.

Section 1A-25 prohibits viewers from printing any records viewed at the records examination and there is no provision requiring the Board to print any such records for the benefit of any party. Therefore, at no time will the Board entertain any requests for printouts of records that were examined during the records examination conducted by the Board except as otherwise ordered by the Board or the hearing examiner. Lists of registered voters are available for purchase by political committees registered with the Board, pursuant to Article 4, 5 and 6 of the Election Code. Note: Such records do not contain the signatures of the voters. In addition, records of individual voters can be obtained through the office of the election authority in whose jurisdiction the voter is registered. Check with the appropriate election authority as to obtaining such records, and the content of same.

If at any time during the records examination it appears that (i) the number of valid signatures remaining on the petition is fewer than the number of valid signatures required by law or (ii) the number of valid signatures on the petition will exceed the number of valid signatures required by law even if all of the remaining objections to be decided were sustained, the Board or the hearing examiner may suspend the records examination and the results of the records examination shall be forwarded to the Board or the hearing examiner, as the case may be. If this is so ordered, the party adversely affected by the order will be afforded an opportunity to present evidence that there exists a sufficient amount of valid or invalid signatures as the case may be, to warrant resumption of the examination. Such evidence must be submitted within 48 hours of the order of suspension. The records examination may be resumed or terminated at the discretion of the Board or the hearing examiner.

(For a detailed description of specific objections and the policies applied to each, please refer to the attached Appendix A.)

## **10. EVIDENCE**

Evidence will be heard by either the Board or the duly appointed hearing examiner as may be submitted, including, but not limited to, documentary evidence, depositions, affidavits, and oral testimony. Evidentiary depositions submitted by either party shall be entered into evidence. Discovery depositions shall be entered into evidence if agreed to by both parties, otherwise such depositions may only be used for purposes of impeachment. Such documentary evidence shall be presented at a hearing, however service of such documentary evidence may be made by facsimile or e-mail followed by a copy to be served by U.S. Mail if the Board or hearing examiner finds that to be the most expedient method of service.

Due to the fact that the Board must hear and pass upon objections within a limited time, extended examination and cross examination of witnesses will be subject to the discretion of the Board or its duly appointed hearing examiner, and the Board/hearing examiner will not be bound by the rules of evidence which prevail in the circuit courts of Illinois. The Chairman shall make all necessary evidentiary rulings, subject to appeal to the entire Board. Where a hearing examiner has been appointed, he or she will receive all evidence and make all evidentiary rulings, subject to review by the entire Board. The Board will not retry issues heard by a hearing examiner unless the hearing examiner has excluded evidence the Board believes should have been admitted. In such cases the Board will hear the excluded evidence and such other evidence as may be appropriate in response to the matter excluded. The Board will not hear evidence that could have been but was not presented to the hearing examiner, nor will the Board consider objections that could have been, but were not raised in the original objection



## **11. ARGUMENT**

All arguments and evidence must be confined to the points raised by the objector's petition and objections, if any, to the objector's petition. The Board reserves the right to limit oral arguments in any particular case and will ordinarily allow not more than ten minutes per side for argument.

With regard to the substance of the objections, generally the objector must bear the burden of proving by operation of law and by a preponderance of the relevant and admissible evidence ("the burden of proof") that the objections are true and that the candidate's nomination papers are invalid.

## **12. ORDER**

If the objections are sustained in whole or in part, the Board will issue an Order declaring the remedy up to and including invalidation of the nomination papers. The Board will state its findings in writing noting the objections which have been sustained. If the objection is overruled, the Board will issue the appropriate Order; stating its findings in writing.

## **13. GENERAL PROCEDURES**

For the matters not covered herein, the Board will generally follow the provisions of the Code of Civil Procedure of Illinois and the rules of the Illinois Supreme Court regulating discovery and practice in trial courts, provided however that the Board will not be strictly bound by the Code or rules in all particulars.

## **14. SESSIONS**

After the Board convenes the initial hearing, it will be in continuous session until all objections arising out of that filing period have been considered and disposed of, and, in the discretion of the Board, its session may be extended or recessed for a period to be determined by the Board.

## **15. TRANSCRIPT AND RECORD OF PROCEEDINGS**

A transcript of the proceedings will be made by a certified court reporter. Copies may be purchased from the reporter and will not be furnished by the Board.

If a party aggrieved by the decision of the Board timely files and serves upon the Board a proper petition for judicial review pursuant to Section 10-10.1 of the Election Code, the Board shall, upon the written request of the petitioner or upon order of the Circuit Court, prepare and file with the Circuit Court the record of proceedings before the Board. The petitioner or the Court shall designate



which portions of the record of proceedings are to be prepared and filed. The respondent or respondents in the judicial review proceedings may designate in writing additional portions of the record of proceedings to be prepared and filed if not included in the petitioner's designation of the record. The parties to a judicial review proceeding are encouraged to limit the record of proceedings to be filed with the Court to only those records material and relevant to the issues on judicial review so that the preparation and filing of unnecessary records is avoided.

ADOPTED THIS 20<sup>th</sup> Day of December, 2012

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CONSTITUTING THE  
STATE BOARD OF  
ELECTIONS  
SITTING AS THE  
DULY AUTHORIZED  
STATE OFFICERS  
ELECTORAL  
BOARD

## **APPENDIX A.**

Listed below are the most common grounds for objections to nominating petitions and the basis on which the Board will render decisions on objections unless evidence or argument presented at hearing persuade the Board that circumstances require a differing decision. References to the registration "card" in the context of the records examination conducted in the offices of the SBE refer to the electronic voter registration information contained in the Statewide voter registration database.

When the records examination is being conducted, any exceptions to the decision of the examiner must be made to the ruling at the time the ruling is made or the exception to the ruling is waived. Any party may, at the beginning of the records examination issue a general objection to any adverse decision of the records examiner obviating the need for individual objections. If, subsequent to the general objection, a party decides not to take exception to a particular ruling of the records examiner, the party must withdraw the objection as to that particular ruling.

If the Board determines that a pattern of fraud exists based on an inordinate number of invalid petition signers and/or petition circulators, such that the integrity of the entire petition or the petition sheets of individual circulators is sufficiently compromised, the Board may strike the entire petition (or individual petition sheets) on this basis. In order to be considered by the Board or the hearing examiner as a matter of right on the part of the objector, an allegation of a pattern of fraud must be initially pled by the objector and such pleading must be a part of the initial written objection filed by the objector. In the absence of such initial pleading by the objector, consideration of whether any pattern of fraud exists shall rest solely in the Board's discretion.

### **I. Objections to Individual Signers**

#### **A. Signer's Signature Not Genuine**

The voter's original signature on his or her registration card (in either hard copy or electronic format) shall be examined. If, in the opinion of the records examiner the signature is not genuine, the objection shall be sustained. Collateral evidence of the validity of the signature is admissible, such as testimony of a person purporting to observe one person signing for another. There is no requirement that a signature be in cursive rather than printed form. Any objection solely on the ground that the signature is printed and not in cursive form or where the basis for the non-genuineness is the fact that the signature is printed, will be denied as failing to state grounds for an objection.

**B. Signer Not Registered at Address Shown**

The voter's registration information (in either hard copy or electronic format) shall be examined. If the address on the voter's card does not match the address opposite his or her name on the petition, the objection shall be sustained. **NOTE:** If the candidate can present evidence that the voter resided and was registered to vote at the address shown on the petition at any time during the petition circulation period, the objection shall be overruled pending evidence from the objector that the voter did not reside at such address on the date he/she signed the petition.

**C. Signer Resides Outside the State**

Any objection to a petition signer whose address is determined by the records examiner to not in fact be located in Illinois, shall be sustained.

**D. Signer's Address Missing or Incomplete**

If there is no address listed other than a city or village, the objection shall be sustained unless, in the city, town or village, street addresses either do not exist or are not commonly used. Where the petition and the registration card both show the same rural route and box number, but no street address, the objection will be overruled. If the petition shows a street and house number and the registration card shows a rural route and box number the objection will be sustained. If however, the voter's place of residence has in fact not changed, but only the designation of it has changed, it is the burden of the candidate to show that only the designation of the residence has changed. If the address listed next to the voter's signature matches the registration record in pertinent part (eg. the petition lists "John Doe, 1020 South Spring, Springfield" and the registration record lists "John Doe, 1020 South Spring, P.O. Box 4187, Springfield), the objection will be overruled. Objections to ditto marks in the address column, where such marks indicate that a subsequent signer or signers live at the same address as the signer above, shall be overruled. Likewise, if the address line is blank, but the signers surname is the same as the person signing above, indicating that such signer resides at the same address, any objections to missing address shall be overruled. In either case, the decision to overrule the objection shall be subject to evidence by the objector showing such signer resides at a different address.

**E. Signature is Not Legible**

If the records examiner determines that a signature is not legible, the examiner shall check the address opposite the illegible signature. If none of the signatures of voters listed at that address match, the objection will be sustained. The basis of the objection however, must be that the petition signer is not registered at the address shown on the petition. If the basis of the objection is that the signature is not genuine, the objection will be overruled for the reason that it is impossible to determine genuineness of the signature without a comparison to the signature on the voter registration record. If the address is also illegible, and the candidate cannot sufficiently, in a reasonably short amount of time, identify the signatory so as to



permit the records examiner to check the signature against a specific voter record, then the objection will be sustained. If the illegible signature is located at a single address at which ten or more voters are registered, the examiner shall not be required to examine every signature at that address to find a match, but may instead rule the objection sustained. In the event that the objection is sustained, the candidate at a later time (but in no event later than the expiration of the 3 business day time period set forth in Section 9 above) will be given an opportunity to present a copy of the petition signer's voter registration record for a signature comparison. If in the opinion of the records examiner or the Hearing Examiner the signature is genuine and the address on the voter registration record matches that contained on the petition, the objection will be overruled.

**F. Signer Signed Petition More Than Once at Sheet/Line Indicated**

If the signatures on the sheet and line numbers indicated match, the objection shall be sustained and all but the signature appearing on or closest to the first petition sheet shall be invalidated.

**G. Signature Incorporates Initials/Name isn't Identical to Registration Record**

If, for example, the registration record indicates "John E. Jones", 1020 South Spring, Spfld., and the petition lists "J. Jones" at 1020 South Spring, Spfld, the objection will be overruled if the signature on the card and the petition match. An objection that is based solely on the fact that a petition signature differs in form from the signature on the voter's registration card will be denied as failing to state grounds for an objection.

**H. Voter Registration Record of Petition Signer Cannot be Located**

The disposition of the objection depends on the grounds. If the objector is alleging that the person is not registered to vote at the address shown on the petition, the objection will be sustained. If the objection is based on the circumstances set forth in **A, D, E, or G** above, where the only evidence to substantiate the objection is contained on the voter registration card, the objection will be overruled.

**I. Petition Signer's Voter Registration is on Inactive Status**

The objection shall be overruled. The Objector may introduce parol evidence that the voter in question no longer resides at the address shown on the petition.

**II. Objections to Circulators**

**A. Circulator did not Sign Petition Sheet**

If the circulator's statement is unsigned, the objection shall be sustained, and all the signatures on the petition sheet shall be invalidated.

**B. Ineligible Circulator**

The fact that a circulator is not 18 years of age, or a United States Citizen or a resident at the place he or she states in the affidavit may be proved by any competent evidence. Ineligible circulators may not circulate petitions and a petition page so circulated is invalid. In addition, if it is shown that an ineligible circulator signed the circulator affidavit, this may constitute perjury and such evidence may be referred by the Board to the appropriate prosecutor's office. The use of more than one ineligible circulator may constitute a pattern of fraud, providing a basis for disqualifying the entire petition.

**C. Circulator's Signature Not Genuine**

If the circulator is a registered voter in Illinois, his or her original signature on his or her registration card shall be examined. NOTE: It is not a requirement that a petition circulator be a registered voter. If, in the opinion of the person examining the signature, the signature is not genuine, the objection shall be sustained. The validity of Non-resident or non-registered circulator's signatures may be proved by any competent evidence. Collateral evidence of the validity of the signature of the circulator is admissible, such as testimony of a person purporting to observe one person signing the name of another circulator. There is no requirement that a signature be in cursive rather than printed form, and an objection solely on the ground that the signature is printed and not in cursive form, or where the basis for the non-genuineness is the fact that the signature is printed, will be denied as failing to state grounds for an objection

**D. Circulator's Address is Incomplete**

The circulator's address must be as complete as usage in his or her town, county or state requires. When the circulator's address does not indicate a street name or rural route number, or is missing a city, village, town or county (where the residence is in an unincorporated area), the objection shall be sustained subject to rehabilitation by the candidate upon the production of a valid address.

**E. Use of Registration Card as Evidence**

If the circulator is a registered voter in any state, a certified copy of his or her registration document is competent evidence of age, citizenry and residence.

**F. Purported Circulator Did Not Circulate Sheet**

Upon proof by the objector that the individual who signed as circulator did not circulate the petition sheet or personally witness the signing of the signatures on the petition sheet, the entire sheet shall be invalidated. See also II (C) above.



**G. Sheet Not Notarized**

If the petition sheet is not notarized, the entire sheet will be invalidated. Simply missing a notary seal does not invalidate the sheet, unless the objector establishes that the sheet was not notarized by a qualified notary public.

**H. Purported Notary Did Not Notarize Sheet**

If the petition sheet is not in fact notarized by the notary who purports to notarize it, the entire sheet will be invalidated. See also II(C) above.

**III Miscellaneous Objections**

**A. Signatures Exceed the Statutory Maximum**

If a petition is filed that contains signatures in excess of the statutory maximum, an objection solely on that basis will not result in the petition being invalidated. However, for purposes of determining the total number of valid signatures, the Board will not consider any signatures (or objections thereto) in excess of the statutory maximum, the count of which will commence with page 1.

**APPENDIX B.**

**Schedule of Brief and Motion Filing**

**Candidate's Motion to Strike and/or Dismiss or other similar motion (MTSD)**

**Objector's Motion for Summary Judgment or other similar motion (MSJ)**

Must be filed no later than 5 pm on the second business day following the date of the Initial Meeting of the Board, unless extended by the Board or hearing examiner for good cause shown.

**Objector's Response to Candidate's MTSD**

**Candidate's Response to Objector's MSJ**

Must be filed no later than 5 pm on the second business day following the due date of the Candidate's MTSD or Objector's MSJ unless extended by the Board or hearing examiner for good cause shown.



**Candidate's Reply to Objector's Response to Candidate's MTSD  
Objector's Reply to Candidate's Response to Objector's MSJ**

Must be filed no later than 5 pm on the second business day following the due date of the Objector's Response to the Candidate's MTSD or the Candidate's Response to the Objector's MSJ unless extended by the Board or hearing examiner for good cause shown.

Any memorandum of law in support of any of the above pleadings shall accompany such pleading. Briefs on any issue or issues shall be filed as directed by the Board or the hearing examiner.

STATE BOARD OF ELECTIONS  
STATE OF ILLINOIS

1020 S. Spring Street  
PO Box 4187  
Springfield, Illinois 62708-4187  
217/782-4141  
Fax: 217/782-5959

James R. Thompson Center  
100 W. Randolph Street, Ste 14-100  
Chicago Illinois 60601-3232  
312/814-6440  
Fax: 312/814-6485



EXECUTIVE DIRECTOR  
Rupert T. Borgsmiller

BOARD MEMBERS  
William M. McGuffage, Chairman  
Jesse R. Smart, Vice Chairman  
Harold D. Byers  
Betty J. Coffrin  
Ernest C. Gowen  
Judith C. Rice  
Bryan A. Schneider  
Charles W. Scholz

**MEMORANDUM**

**TO:** Chairman William M. McGuffage  
Vice Chairman Jesse R. Smart  
Members of the Board  
Executive Director Rupert Borgsmiller

**From:** Steve Sandvoss, General Counsel

**Re:** Appointment of Hearing Officers

**Date:** January 5, 2012

---

I have selected the following persons to serve as hearing officers for the several objections filed with the State Board of Elections following the filing period for candidates seeking nomination at the March 20, 2012 General Primary Election and propose the following cases be assigned to them for hearing.

**Barbara Goodman**

12SOEBGP525	Schaefflein/Brezinski v. Cunningham
12SOEBGP526	Billerman/Pettlon v. Harris
12SOEBGP527	Cunningham v. Biggert
12SOEBGP528	Cunningham v. Harris

**David Herman**

12SOEBGP102	Brimm v. Newman
12SOEBGP524	Bigger/Coyle v. Miller

**Kelly McCloskey Cherf**

12SOEBGP100	Bromley v. Evans
12SOEBGP101	Bromley v. Canfield

**Philip Krasny**

12SOEBGP521

12SOEBGP522

12SOEBGP523

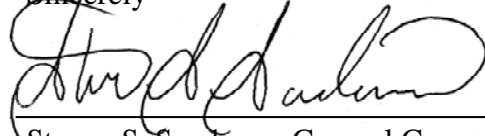
Hoffman Jr. v. Farnick

Petzel v. Ritter

Rodriguez v. Rutagwibira

I would request of the Board authorization to appoint the above persons to serve as hearing officers and for the above cases to be assigned to them for hearing.

Sincerely

A handwritten signature in black ink, appearing to read "Steven S. Sandvoss", written over a horizontal line.

Steven S. Sandvoss, General Counsel



**DeVivo v. Bradley**  
**11 SOEB GP 500**

**Candidate:** Duane Bradley

**Office:** State Senator, 41<sup>st</sup> Dist.

**Party:** Republican

**Objector:** Michael DeVivo

**Attorney For Objector:** None

**Attorney For Candidate:** Burton Odelson

**Number of Signatures Required:** 1000

**Number of Signatures Submitted:** 309

**Number of Signatures Objected to:**

**Basis of Objection:** Candidate's nomination papers contain an insufficient amount of signatures.

**Dispositive Motions:** Objector's Motion for Judgment on the Pleadings, Candidate's Response to Objector's Motion for Judgment, Candidate's Motion to Dismiss Objector's Petition and a Motion for a Directed Verdict, Objector's Response to Candidate's Motion to Dismiss Objector's Petition and Motion for a Directed Verdict, Candidate's Reply to Objector's Response to Candidate's Motion to Dismiss Objector's Petition and Motion for Directed Verdict.

**Binder Check Necessary:** No

**Hearing Officer:** Jim Tenuto

**Hearing Officer Findings and Recommendation:** The Candidate filed nominating petitions having a maximum of 480 valid signature spaces (32 pages x 15 lines per page = 480 signatures). Many pages contained less than 15 signatures and candidate filed approximately 309 signatures as counted by the Hearing Officer. The minimum number of signatures required to appear on the ballot at the General Primary Election as an established party candidate for the office of State Senator is 1000; therefore, the Candidate submitted at least 690 signatures less than the minimum signature requirement. Based on the Candidate submitting nominating petitions containing less than the minimum number of 1000 signatures, the Objector's Motion for Judgment on the Pleadings should be granted. Based on the facts that the Objector properly pleaded his interest in Paragraph 2 of the Objection Petition and that an appendix need only be attached when a records examination is to be conducted, the Candidate's Motion to Dismiss Objector's Petition and Motion for Directed Verdict should be denied. Accordingly, the Hearing Officer recommends that Duane Bradley not be certified for the ballot as candidate for the office of State Senator in the 41<sup>st</sup> Legislative District in the Republican Primary Election to be held on March 20, 2012.

**Recommendation of the General Counsel:** I concur with the Recommendation of the Hearing Officer.

**BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS**

Michael DeVivo,	)	
Petitioner/Objector,	)	
	)	
	)	11 SOEB GP 500
v.	)	
	)	
Duane Bradley,	)	
Respondent/Candidate.	)	

**RECOMMENDATION OF THE HEARING EXAMINER  
TO THE GENERAL COUNSEL**

TO: Burton Odelson, Attorney for Objector  
Duane Bradley, Candidate  
Steve Sandvoss, General Counsel, State Board of Elections

**ANALYSIS**

1. Candidate Duane Bradley timely filed on December 5, 2011, nominating petitions for the Office of State Senator in the 41<sup>st</sup> legislative District in the Republican Primary Election to be held on March 20, 2012.
2. The minimum signature requirement for a candidate filing nominating petitions for the Office of State Senator is not fewer than 1,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an Objection to the nominating petitions submitted by Duane Bradley.
4. The basis of the Objection is that the Candidate submitted less than the minimum number of signatures required for this particular office.

5. A Case Management Conference was held on December 20, 2011, in the branch office of the State Board of Elections. The Candidate filed a *Pro Se* Appearance. An Appearance was filed by Burton S. Odelson on behalf of the Objector.

6. The Objector timely filed a Motion on December 20, 2011 to have the Verified Objector's Petition be treated as a Motion for Judgment on the Pleadings.

7. The Candidate timely filed a Motion to Dismiss Objector's Petition and a Motion for a Directed Verdict. The basis is as follows:

A. The Objector does not have standing to bring the objection as he does not have an interest that may be impaired by the Candidate's name appearing on the ballot; and

B. The basis of the objection, that the Candidate submitted less than the minimum number of required signatures, is not an acceptable ground on which to render a decision and the Objection is not in compliance with Appendix A of the Rules of Procedure.

8. The Objector timely filed a Response to Respondent/Candidate's Motion to Dismiss Objector's Petition and Motion for a Directed Verdict. The basis of the response is as follows:

A. The Candidate's Motion to Dismiss is unintelligible.

B. The interest of the Objector is not a matter of legal concern. Only the statutory requirements of 5/10-8 are at issue.

9. The Candidate timely filed a Response to Petitioner/Objector's Motion for Judgment (on the Pleadings). The Candidate's response raises similar arguments as set forth in Par. 7 (above).

10. The Candidate timely filed Candidate's Reply to Objector's Response to Candidate's Motion to Dismiss Objector's Petition and a Motion for Directed Verdict.

11. Copies of the pleadings filed are attached to this Recommendation of the Hearing Examiner to the General Counsel.

### **DISCUSSION**

1. The Candidate filed nominating petitions having a maximum of 480 valid signature spaces (32 pages x 15 lines per page = 480 signatures). This was determined by a cursory examination of the nominating petitions by the Hearing Examiner. (Many pages contained less than 15 signatures. Candidate filed approximately 309 signatures as counted by the Hearing Examiner.)

2. The minimum number of valid signatures needed to appear on the ballot at the General Primary Election as an established party candidate for the Office of State Senator is 1,000.

3. The Candidate submitted nominating petitions which are at least 690 signatures below the minimum of 1,000.

4. Based on the Candidate submitting nominating petitions containing less than the minimum number of 1,000 signatures, the Objector's Motion for Judgment on the Pleadings should be granted.

5. Candidate's Motion to Dismiss Objector's Petition and Motion for a Directed Verdict should be denied for the following reasons:

A. Objector's interest in seeing that election laws were upheld and that only qualified candidates appeared on the ballot were valid interests, notwithstanding the motivation or failure to object of another candidate's nominating petition, Wollan v. Jacoby, 660 N.E.2d 1282 (App. 1<sup>st</sup> Dist., 1995). Objector has properly pleaded his interest in Par. 2 of the Objection.

B. The Appendix refers only to those instances when a records examination is conducted. As the nominating petitions contain a number below the minimum, a



records examination is not necessary. Thus, Candidate's argument is not applicable to these proceedings.

9

### **RECOMMENDATION**

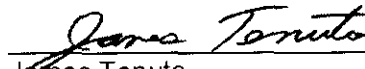
It is the Recommendation of the Hearing Examiner that (1) Objector's Motion for Judgment on the Pleadings should be GRANTED; and (2) Candidate's Motion to Dismiss Objector's Petition and a Motion for Directed Verdict should be DENIED, for the reasons set forth above.

Accordingly, the name of Duane Bradley as Candidate for the office of State Senator in the 41<sup>st</sup> Legislative District in the Republican Primary Election to be held March 20, 2012, shall NOT be printed on the ballot.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: December 30, 2011

Respectfully Submitted,



James Tenuto  
Hearing Examiner

James Tenuto, Hearing Examiner  
State Board of Elections  
James R. Thompson Center, Suite 14-100  
100 West Randolph Street  
Chicago, IL 60601  
(312) 814-6440

**CERTIFICATE OF SERVICE**

The undersigned certifies that he served the **Recommendation of the Hearing Examiner to the General Counsel** to the following parties by the methods set forth opposite the name on December 30, 2011.

Steve Sandvoss, General Counsel  
State Board of Elections

via Email: [ssandvoss@elections.il.gov](mailto:ssandvoss@elections.il.gov)

Ken Menzel,  
Deputy General Counsel, SBE

via Email: [kmenzel@elections.il.gov](mailto:kmenzel@elections.il.gov)

Bernadette Harrington,  
Legal Counsel, SBE

via Email: [bharrington@elections.il.gov](mailto:bharrington@elections.il.gov)

Burton S. Odelson  
Attorney for Objector

via Email: [attyburt@aol.com](mailto:attyburt@aol.com)

Duane Bradley  
Candidate

via Email: [Duane@Bradley5.org](mailto:Duane@Bradley5.org)

  
James Tenuto, Hearing Examiner

**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS**

Michael DeVivo,	)	
	)	
Petitioner-Objector,	)	
	)	
vs.	)	No.
	)	
Duane Bradley,	)	
	)	
Respondent-Candidate.	)	

11 DEC -9 11:45  
STATE BOARD OF ELECTIONS

CHICAGO

**VERIFIED OBJECTOR'S PETITION**

**INTRODUCTION**

Michael DeVivo, hereinafter sometimes referred to as the "Objector", states as follows:

1. The Objector resides at 15658 Janas Drive, Homer Glen, Illinois 60491, and is a duly qualified, legal and registered voter at that address.
2. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of nomination papers for the office of State Senator, 41<sup>st</sup> Legislative District, ("Office") are properly complied with, and that only qualified candidates appear on the ballot for said office.

**OBJECTIONS**

3. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Duane Bradley, a candidate for State Senator, 41<sup>st</sup> Legislative District, to be voted at the Election on March 20, 2012 ("election"). The Objector states that the Nomination Papers are insufficient in fact and law for the following reasons:

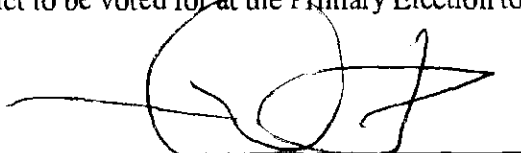
4. Pursuant to state law, nomination papers for State Senator, 41<sup>st</sup> Legislative District, Cook County, to be voted for at the Election to be held March 20, 2012, must contain the signatures of not fewer than 1,000 duly qualified, registered and legal voters of said district collected in the manner prescribed by law. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise executed in the form provided by law.

5. The Nomination Papers contain approximately 300 signatures of qualified and duly registered legal voters of the 41<sup>st</sup> Legislative District, signed by such voters in their own proper person with proper addresses, which is far below the number required under Illinois law.



## CONCLUSION

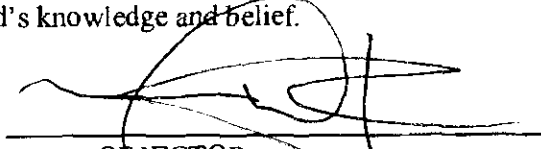
WHEREFORE, the Objector requests a hearing on the objections set forth herein, an examination by the aforesaid Electoral Board of the official records relating to voters in the applicable district to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Duane Bradley shall not appear and not be printed on the ballot for election to the office of State Senator, 41<sup>st</sup> Legislative District to be voted for at the Primary Election to be held on March 20, 2012.

  
\_\_\_\_\_  
OBJECTOR

## VERIFICATION

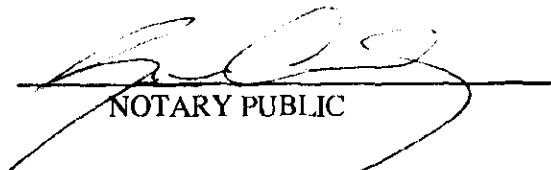
State of Illinois            )  
                                      ) ss.  
County of ~~Cook~~ Will )

The undersigned, being first duly sworn, deposes and states that he is the Objector in the above Verified Objector's Petition, that he has read the contents thereof, and that the allegations therein are true to the best of the undersigned's knowledge and belief.

  
\_\_\_\_\_  
OBJECTOR

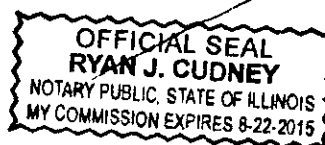
Subscribed and sworn to before me, a Notary Public, by

Michael DeVine  
on Dec. 8, 2011

  
\_\_\_\_\_  
NOTARY PUBLIC

**O'DELSON & STERK, LTD.**  
3318 West 95<sup>th</sup> Street  
Evergreen Park, IL 60805  
708/424-5678

Attorneys for Objector



**Tenuto, Jim**

---

**From:** Pam Smith [psmith@odelsonsterk.com]  
**Sent:** Tuesday, December 20, 2011 2:00 PM  
**To:** Tenuto, Jim  
**Cc:** duane@bradley5.org; Matthew Welch, Burt Odelson  
**Subject:** Case No. 11 SOEB GP 500

Hearing Officer Tenuto, please allow this e mail to serve as Objector's motion for judgment on the pleadings related to the verified objector's petition. The candidate's nomination papers contain approximately 300 signatures, far below the 1,000 signature minimum. There are no issues of law or fact that can overcome the candidate's failure to comply with the Illinois Election Code. Wherefore, the objector respectfully request that the Candidate be stricken for the office of State Senator, 41<sup>st</sup> Legislative District. Respectfully submitted, Odelson & Sterk, Ltd.

Matthew Welch  
Burton S. Odelson  
ODELSON & STERK, LTD.  
3318 W. 95<sup>th</sup> Street  
Evergreen Park, Illinois 60805  
708/424-5678

BEFORE THE ILLINOIS STATE BOARD OF ELECTIONS  
ELECTORAL BOARD

IN THE MATTER OF OBJECTIONS BY	)	December 22, 2011
	)	
Michael DeVivo	)	
	)	
Petitioner/Objector,	)	No. 11 SOEB GP 500
	)	
v.	)	
	)	
Duane Bradley,	)	
	)	
Respondent/Candidate	)	

**Motion to Dismiss Objector's Petition and a Motion for a Directed Verdict**

1. The objector claims to have an interest in the laws governing the filing of nomination papers for the office of State Senator 41<sup>st</sup> Legislative District ("Office") and that only qualified candidates appear on the ballot for said Office.
2. Paragraph 3 of the Objector's Petition:
3. The Objector, in fact, has no standing to bring forth such an objection. This is based on the grounds that he does not have an interest that might be impaired or impeded by the Candidate's appearance on the Ballot nor by any judgment made against the Objector's Petition as a result of his objection and therefore the Objection should be Dismissed on these grounds alone. He will not suffer in any manner.
4. Furthermore, the Electoral Board does not consider an objection such as that contained in Paragraph 4 of the Objector's petition as an acceptable ground on which to render a decision and the objection is clearly not in compliance with Appendix A of the Rules of Procedure adopted by the State Board of Elections..., which was provided to the candidates, the objectors and/or their attorneys at the hearing on December 20, 2011 at the State Board of Elections.
5. An objection filed solely on the basis of statutory signature requirements will not result in the petition being invalidated. (Reference: Rules of Procedure adopted by the State Board of Elections....) Paragraph 4 of the Objector's Petition is seeking relief based upon the number of signatures being outside of the prescribed range of the 2012 Signature Requirements of qualified and duly registered legal voters of the 41<sup>st</sup> State Senate Legislative District.
6. Motion for a Directed Verdict
7. Considering the above paragraphs as justification relating to the dismissal of the Objector's Petition, the Objector's request in the Objector's Petition in the



Conclusion should be denied as well as the requested ruling since the Objector clearly has no Standing since he has provided no clear indication of any direct impairment or impediment affecting him. The Objector has only attempted to make one believe he will be impaired or impeded by the Candidate's filing and appearance on the ballot when, in clear fact, beyond a reasonable doubt, he is clearly not affected by the Candidate's appearance on the ballot.

8. The candidate requests that the Verified Objector's Petition submitted by Michael DeVivo, Petitioner-Objector, be dismissed in its entirety based on the fact that the Objector has not shown any direct impairment or impediment due to the Candidate's appearance on a ballot.

Respectfully Submitted,

Duane Bradley  
Candidate

Dated this 22<sup>nd</sup> day of December, 2011.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS

Michael DeVivo,

Petitioner-Objector,

vs.

Duane Bradley,

Respondent-Candidate.

No. 11 SOEB GP 500

**RESPONSE TO RESPONDENT/CANDIDATE'S MOTION TO DISMISS OBJECTOR'S  
PETITION AND A MOTION FOR A DIRECTED VERDICT**

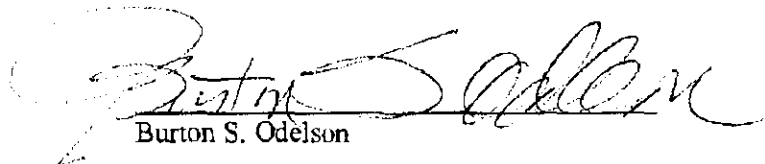
NOW COMES, Petitioner-Objector, by and through his attorney, Burton S. Odelson of Odelson & Sterk, Ltd. and in support of his Reply to Respondent/Candidate's Motion to Dismiss Objector's Petition and a Motion for a Directed Verdict states as follows:

1. The Candidate's Motion to Dismiss is basically unintelligible.
2. The interest of the Objector is not a matter of legal concern only the statutory requirements in 5/10-8 need to be complied with regarding the ability to have standing to file the objections. The Objector meets all of the requirements of the statute.

WHEREFORE, the Objector requests the Objection be granted and the Motion to Dismiss be denied.

Respectfully submitted,

ODELSON & STERK, LTD.

  
Burton S. Odelson

Burton S. Odelson  
ODELSON & STERK, LTD.  
3318 W. 95<sup>th</sup> Street  
Evergreen Park, Illinois 60805  
708/424-5678

BEFORE THE ILLINOIS STATE BOARD OF ELECTIONS  
ELECTORAL BOARD

IN THE MATTER OF OBJECTIONS BY	)	December 27, 2011
	)	
Michael DeVivo	)	
	)	
Petitioner/Objector,	)	No. 11 SOEB GP 500
	)	
v.	)	
	)	
Duane Bradley,	)	
	)	
Respondent/Candidate	)	

**RESPONSE TO PETITIONER/OBJECTOR'S MOTION FOR JUDGEMENT (via  
e-mail)**

1. The Respondent/Candidate now responds to the Petitioner/Objector's Motion for Judgment which was submitted via e-mail. The Petitioner/Objector's request is not supported by any eligible Standing nor does it comply with the duly written and distributed Electoral Board Rules of Procedure, including Appendix A, for objection hearings.
2. Petitioner/Objector has no Standing because he is not and will not be impeded nor impaired in any manner by the Candidate's submission of nomination papers. Rather, this objection by the Petitioner/Objector is attempting to impede the Candidate's appearance on the ballot for the office of State Senator, 41<sup>st</sup> Legislative District which further supports the Candidate's Standing regarding the Motion to Dismiss the Petitioner/Objector's Petition.
3. Furthermore, the Petitioner/Objector has not submitted any objection to Candidate's Petition falling within the guidelines of the Rules of Procedure - Appendix A. Items I. (A.-I) Objections to Individual Signers, II. (A-H) Objections to Circulators, or III. (A.) Miscellaneous Objections which is the basis on which the Board will render decisions on objections. (Reference referred to: Rules of Procedure - Appendix A was distributed to all Objectors, Candidates, and/or their representatives on December 20, 2011).
4. The lack of any Standing on the part of the Petitioner/Objector is supported by the fact that the other candidate for the Office of State Senator, 41<sup>st</sup> Legislative District, who may be the most likely one to file an objection, is not being impeded nor impaired by the Responder/Candidate and therefore would also lack Standing



for a similar objection. The other candidate has not directly filed any objection.

5. The Respondent/Candidate respectfully requests the Electoral Board moves to support the Respondent/Candidate's Motion to Dismiss the Petitioner/Objector's Petition for one or more of the following reasons. The Petitioner/Objector's request fails a Standing test as well as fails to comply with the Electoral Board Rules of Procedure Appendix A adopted by the Board of Elections December 20, 2011 which indicates the objections eligible for the Electoral Board to hear.

BEFORE THE ILLINOIS STATE BOARD OF ELECTIONS  
ELECTORAL BOARD

IN THE MATTER OF OBJECTIONS BY	)	December 29, 2011
	)	
Michael DeVivo	)	
	)	
Petitioner/Objector,	)	No. 11 SOEB GP 500
	)	
v.	)	
	)	
Duane Bradley,	)	
	)	
Respondent/Candidate	)	

CANDIDATE'S REPLY TO OBJECTOR'S RESPONSE TO CANDIDATE'S MOTION  
TO DISMISS OBJECTOR'S PETITION AND A MOTION FOR A DIRECTED  
VERDICT

1. Paragraph 1. on Objector's Response to...Verdict does not merit a reply since nowhere is it required that the Respondent/Objector is responsible to respond to one's level of comprehension.
2. Now the Petitioner/Objector brings up the interest of the Objector in the statutory requirements of 5/10-8, which is stated in paragraph 2. of the Introduction of the Verified Objector's Petition. which "is that of a voter desirous that the laws governing the filing of nomination papers for the office of State Senator, 41<sup>st</sup> Legislative District, ("Office") are properly complied with, and that only qualified candidates" [note the plurality of candidate – candidates] "appear on the ballot for said office."
3. The basis of Mr. DeVivo's Objection to only have qualified candidates [plural] to appear on the ballot is only a fallacy in that an examination of the records on the Illinois State Board of Elections (ISBoE) website indicates that the Objector's interest lacks fulfillment. The ISBoE website shows the fact that he neither submitted a request to view or get a copy of the Respondent/Candidate petitions nor the nomination petitions for the only other candidate "for the office of State Senator, 41<sup>st</sup> Legislative District, ("Office")" for which the Objector professes he has an interest in that "only qualified candidates" [note the plurality of candidate – candidates] "appear on the ballot for said office."
4. The Petitioner/Objector never submitted a Request to View Or Copy the nomination petition of the only other candidate for the office of State Senator, 41<sup>st</sup>

Legislative District to fulfill his stated mission "that only qualified candidates" [note the plurality of candidate – candidates] "appear on the ballot for said office." In order to know that the other candidate was a valid "qualified" candidate, he would have to have requested to "View Or Copy" the other candidate(s) nomination petition to see what was actually submitted. The ISBoE website indicates that that did not occur. [See Attachment A and B for those requesting to View/Copy nomination petitions.]

5. The ISBoE website shows that only a Ryan Cudney made a Request To View Or Copy Petitions of Respondent/Candidate.
6. Ryan Cudney, who Requested to View Or Copy Petitions of the Respondent/Candidate, but did not file an objection to the Respondent/Candidate nomination papers, appears on the ISBoE website as a the Assistant Treasurer for the Chairwoman (the only other candidate for the office of State Senator, 41<sup>st</sup> Legislative District) of the Republican State Senate Campaign Committee.
7. As can be seen in Attachment A the only individual to VIEW/COPY the nomination petition of the other candidate was this Respondent/Candidate and therefore the Petitioner/Objector has no idea as to the nomination papers filed by the other candidate.
8. Ryan Cudney is also the notary which notarized the Objector's petition. It appears as though it is Ryan Cudney rather than Mr. DeVivo that has the real vested interest in the outcome of the Verified Objector's Petition filed by Mr. DeVivo.
9. While reviewing the OTHER candidate's nomination papers as a courtesy for Petitioner/Objector for the office of State Senator, 41<sup>st</sup> Legislative District, Sheet 13 of the other candidate's nomination papers clearly includes a "Deletion" of a signature which is required to be initialed by the individual Deleting the signature line according to the requirements for submission of petitions. This petition Sheet Number 13 FAILS to comply with such requirement. 10 ILCS 5/7-10, 8-8, 10-3.
10. The nomination papers submitted by the other candidate named on the petition also FAILED to file a CERTIFICATE OF DELETIONS 10 ILCS 5/7-10, 8-8, 10-3 rendering the filing of the OTHER Candidate's petition invalid and should be stricken from the ballot for the office of State Senator, 41<sup>st</sup> Legislative District since Mr. DeVivo is adamant in "desirous that the laws governing the filing of nomination papers for the office of State Senator, 41<sup>st</sup> Legislative District, ("Office") are properly complied with, and that only qualified candidates" [note the plurality of candidate – candidates] "appear on the ballot for said office." [Note in [ ] added]. [See Attachment C a PDF in the e-mail attachments section].
11. This cursory review made as a courtesy for the Petitioner/Objector is not complete by any means but has such other questions as to why no two (2) of the two or



three(3) signatures of one Thomas Meaden appearing on the petition as Signature of Voter and Signature of Circulator are any where near matching.

12. Conclusion

13. The Petitioner/Objector failed to substantiate his basic interest in submitting this objection because he failed to review all candidates for the office of State Senator, 41<sup>st</sup> Legislative District as stated in the Verified Objector's Petition, Introduction paragraph 2.
14. The petitioner fails the residency test required to file an objection since the Petitioner/Objector residence is in Will County and the Verified Objector's Petition, Objections paragraph 4. is clearly objecting to "nomination papers for State Senator, 41<sup>st</sup> Legislative District, Cook County - not Will County which is the political subdivision where he resides, See **Attachment D** from public documents supporting Will County residency.
15. The Petitioner/Objector brings up the upholding of statutory requirements, therefore, the Petitioner/Objector must be required to uphold the statutory requirements as well including his interest in the objection which is required as a statutory requirement, 10 ILCS 5/10-8 B., failure to reside in the political subdivision for which he is seeking relief (Cook County), therefore lacks standing for an Objection to a nominating petition (Morton v. State Officers Electoral Bd., App. 4 Dist.2000 Ill.Dec. 605, 311 Ill.App.3d 982, 726 N.E.2d 201).
16. The Petitioner/Objector also failed to provide any evidence supporting the claim in the Verified Objector's Petition - Objections paragraph 4. that the "nomination papers for State Senator, 41<sup>st</sup> Legislative District, Cook County, to be voted on at the Election to be held March 20, 2012, must contain the signatures not fewer than 1000 duly qualified, registered and legal voters of said district collected in a manner prescribed by law." [Note: Some of the other candidate's petitions were observed in an enclosed entry area of a business establishment on a table with a sign requesting individuals to sign petitions of various candidates.]
17. **Wherefore**, the Respondent/Candidate respectfully (1) **requests** the Motion to Dismiss be granted, (2) **requests** the name of Duane Bradley to appear on the printed ballot for election to the office of State Senator, 41<sup>st</sup> Legislative District for all counties in the State Senate 41<sup>st</sup> Legislative District, and (3) in support of the Petitioner/Objector who is "desirous that the laws governing the filing of nomination papers for the office of State Senator, 41<sup>st</sup> Legislative District, ("Office") are properly complied with, and that only qualified candidates appear on the ballot for said office" **requests** Board of Elections and/or Electoral Board conduct a review the nomination papers of the other candidate for sufficiency of submission since it lacks statutory requirements relevant to Deletions and Certification of Deletions as stated earlier and rule that the name of Christine Radogno shall not appear and not be printed on the ballot for election to the office

of State Senator, 41<sup>st</sup> Legislative District to be voted for at the Primary election to be held on March, 2012.





### Attachment A

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## The State Board of Elections

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## Candidate Detail

GENERAL PRIMARY - 2/27/2012
41ST SENATE

CHRISTINE RADOGNO  
13559 CAMBRIDGE DRIVE  
LEMONT, IL 60439

REPUBLICAN PARTY

Filed: 11/28/2011 8:00 AM

Status: Active  
11/28/2011 8:00 AM

### **Requests To View Or Copy Petitions**

#### **Requestor**

#### **ViewCopy**

BRADLEY, DUANE  
11 S. 300 SARATOGA AVE. 12/20/2011 10:47 AM  
LEMONT, IL 60439

**Illinois Amber Alert • National Center for Missing and Exploited Children • Privacy**

**Statement**



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## Attachment B



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External Links

## Candidate Detail

GENERAL PRIMARY - 11/06/2012

41ST SENATE

DUANE BRADLEY (Obj. Pending)  
11S300 SARATOGA AVENUE  
LEMONT, IL 60439

REPUBLICAN PARTY

Filed: 12/5/2011 2:06 PM

Status: Active  
12/5/2011 2:06 PM

### Objections

Name	Objection Time	Status
------	----------------	--------

DeVIVO V BRADLEY	12/9/2011 11:45 AM	PENDING
------------------	--------------------	---------

### Requests To View Or Copy Petitions

Requestor	ViewCopy
-----------	----------

CUDNEY, RYAN	
--------------	--

2731 SOUTH MACARTHUR BLVD SUITE 200 SPRINGFIELD, IL 62704	12/5/2011 3:43 PM
--	-------------------

[Illinois Amber Alert](#) • [National Center for Missing and Exploited Children](#) • [Privacy](#)

[Statement](#)





Attachment C - See e-mail Attachments Section

Attachment D

**Will County Treasurer - Illinois**

302 N. Chicago St., Joliet, IL 60432

**2010 Levy Real Estate Tax Inquiry**

**\*\* Mortgage companies and banks must submit one check per PIN \*\***

**NO PERSONAL CHECKS AFTER OCTOBER 6, 2011**

Permanent Index Number (PIN)	Township	Tax Code	Tax Rate	Acres
16-05-05-105-011-0000	HOMER	1635	6.6399	
<b>Owner Information</b>	<b>Assessed Value</b>	<b>Total Tax Amount</b>		
DE VIVO MICHAEL H JR TR 1-3409	83.137	5,121.82		
DE VIVO MARCIA A	<b>Exemptions</b>	<b>Property Address</b>		
15658 W JANAS DR	6,000	15658 W JANAS DR		
HOMER GLEN IL 60491		HOMER GLEN 60491		

I, \_\_\_\_\_, Candidate or Circulator (circle one) do hereby certify that I have properly initialed the deletions of signatures, listed hereinafter by page and line numbers, from the petition of \_\_\_\_\_ (Name of Candidate) who is a candidate for election or nomination (circle one) to the office of \_\_\_\_\_ at the \_\_\_\_\_ Election to be held on \_\_\_\_\_ (date of election).

[illegible]

(Signature of Person Deleting Signatures)

Only the person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition. If deletions are made, this **CERTIFICATION OF DELETIONS** shall be filed as part of the petition.

**Zurek v. Saviano  
11 SOEB GP 501**

**Candidate:** Angelo "Skip" Saviano

**Office:** State Representative, 77<sup>th</sup> Dist.

**Party:** Republican

**Objector:** Kenneth P. Zurek

**Attorney For Objector:** Kenneth Zurek, pro se

**Attorney For Candidate:** Andrew Raucci

**Number of Signatures Required:** 500

**Number of Signatures Submitted:** 1,502

**Number of Signatures Objected to:**

**Basis of Objection:** The Objector challenges the sufficiency of the signatures presented in the Candidate's nominating petitions because four of his petition circulators were Democratic precinct captains who circulated petitions sheets for a Democratic candidate for Circuit Court Judge. The Objector alleges a pattern of fraud and false swearing by the four circulators in that their circulator affidavits were false, untrue and perjurious because the circulators swore that the persons signing the petitions on behalf of the Democratic candidate were qualified voters of the Democratic party but then executed circulator affidavits on behalf of the Republican candidate Saviano in which they swore that the very same individuals were qualified voters of the Republican Party. Additionally, the Objector claims that the Candidate is not a qualified primary voter of the Republican Party because of the Candidate's affiliations with the Democratic Party, which include campaign contributions to and endorsement of a Democratic Committeeman and utilizing Democratic petition circulators.

**Dispositive Motions:** Candidate's Motion to Strike and Dismiss the Objector's Petition, Objector's Response to Candidate's Motion to Strike and Dismiss the Objector's Petition, Candidate's Reply to Objector's Response to Candidate's Motion to Strike and Dismiss the Objector's Petition

**Binder Check Necessary:** No

**Hearing Officer:** Phil Krasny

**Hearing Officer Findings and Recommendation:** Evidence indicates that the four circulators averred that the persons signing the nomination petitions for a Democratic candidate were "qualified voters of the Democratic Party" and then averred that those same signers were "qualified voters of the Republican Party" when they signed nomination petitions for the Republican Candidate. This conduct demonstrates a pattern of fraud which requires that all petition sheets circulated by the four circulators be stricken. This would disqualify 107 signatures, however, even when stricken, the Candidate has 1,383 signatures remaining, which is more than the 500 signatures required to remain on the ballot. (Per SBE Rule, the additional 2 signatures over the 1,500 limit are not counted toward the total number of valid signatures.)

Based upon limited legislation and case law (which restricts party switching in two areas: signing a petition and being a candidate of more than one party), a reviewing court is likely to determine that the Objector's general allegations regarding the Candidate's current and prior affiliation with the Democratic Party, coupled with the absence of any direct evidence that the Candidate was aware of the circulator irregularities committed by four of his fifty-three circulators, is an insufficient basis for questioning the Candidate's constitutional right to switch his party affiliation (other than the two areas mentioned above) in the current election cycle and run as a Republican.

Accordingly, the Hearing Officer finds that the Candidate has a sufficient number of signatures on his nominating petitions to appear on the ballot as a Republican candidate for the office of State Representative in the 77<sup>th</sup> District and recommends that the objection be denied and that the Candidate's name be certified for the ballot.

The Hearing Officer further recommends that the verified allegations of perjury committed by the four circulators be referred to the Cook County State's Attorney.

**Recommendation of the General Counsel:** I concur with the recommendation of the Hearing Officer.

**BEFORE THE STATE BOARD OF ELECTIONS OF THE STATE OF ILLINOIS**

KENNETH ZUREK	)	
Petitioner-Objector	)	
	)	
vs.	)	11 SOEB 501
ANGELO "SKIP" SAVIANO	)	
Respondent- Candidate	)	
	)	

**HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS**

**PROCEDURAL HISTORY**

The Candidate, ANGELO "SKIP" SAVIANO, ("the Candidate") seeks the nomination of the Republican Party for the office of Representative in the General Assembly 77<sup>th</sup> District, and has filed nominating petitions to be placed on the ballot for the primary election scheduled for March, 20, 2012.

Objector, KENNETH ZUREK, ("Objector") has filed certain objections to those nominating petitions.

The State Board of Elections ("SBOE") appointed Philip Krasny as the hearing officer to conduct a hearing on the objections to the nominating petitions and present recommendations to the SBOE.

At an initial case management conference held on December 21, 2011, the parties were given time to file motions. The parties also agreed that no binder check was required.

The Candidate, thereafter, filed a Motion to Strike and Dismiss. The Objector filed a Response and the Candidate filed a Reply. Additionally, at the Request of the Hearing Officer, the parties prepared a "Stipulation of Agreed Facts".



On January 3, 2012, a hearing on the objections to the nominating petitions was conducted at the offices of the State Board of Election, Chicago, Illinois. At the hearing the Candidate was represented by Andrew Raucci, and the Objector appeared pro se.

### **PLEADINGS**

The Objector challenges the sufficiency of the signatures presented in the Candidate's nominating petitions and claims that the nominating petitions fail to comply with the requirements of the Election Code. Specifically, the Objector claims that The Candidate is not a Republican. Rather, the Objector contends that the Candidate is, in reality, "a Democrat", running as a Republican. Accordingly, the Objector seeks to have the Candidate's name eliminated from the Republican primary ballot.

In support of his position, the Objector claims that William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro, who circulated nominating petitions for the Candidate, were Democratic precinct captains who also circulated petition sheets for Terry Gallagher, a Democratic candidate for Judge of the Circuit Court of Cook County Illinois 4th Judicial Sub circuit. Objector further alleges that

The Nomination Papers contain petition sheets of circulators William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro which evidence a pattern of fraud and false swearing invalidating all their petition sheets in that their circulators affidavits were false, untrue, and perjurious because they swore that the persons signing the petitions on behalf of Terry Gallagher were qualified voters of the Democratic Party and also then executed circulators affidavits on behalf of Angleo "Skip" Saviano that the very same persons were qualified voters of the Republican Party.

Additionally, Objector claims that:

7. The Nomination Papers do not truthfully allege and set forth the qualifications of the candidate in the following ways:

(a) that Saviano is a Republican in name only;

(b) that Saviano being a "Republican" is a fiction created to hide from the voters and the Democratic process his true affiliation which is Democratic;

(c) that Saviano has given money and support to the Democratic Committeeman of Leyden Township Barrett Pedersen;

(d) that Saviano has endorsed the Democratic Committeeman of Leyden Township Barrett Pedersen over the Republican Daniel Pritchett;

(e) that Saviano has refused to endorse the Republican Daniel Pritchett for office but instead endorsed Barrett Pedersen the Democratic Committeeman of Leyden Township; and

(f) that Democratic precinct captains of Barrett Pedersen have circulated Saviano's Nomination Papers.

Finally, the Objector contends (in his Response) that the Candidate was not a "qualified primary voter of the Republican Party".

The Candidate filed a Motion to Strike, as well as a Reply, wherein he cites *Hossfeld v. State Board of Elections*, 238 Ill.2d 418, (2010), and states that he met the statutory requirements of the Republican Party. Additionally, the Candidate contends that, even if the disputed signatures were eliminated from his nominating petitions, he would still have more than the 500 required to be a Republican legislative candidate in the March primary.

#### **AGREED STIPULATED FACTS**

1. That One Hundred Fifty-Two (152) is the number of nomination petition sheets submitted by Candidate Angelo Skip Saviano.
2. That the number of nomination petition sheet signatures submitted by Candidate Angelo "Skip" Saviano is One Thousand Five Hundred and Two (1,502).
3. That Randall Petersen circulated petition sheet 111 for Candidate Angelo "Skip" Saviano.
4. That Saviano petition sheet 111 has eight (8) signatures.

5. That William S. Ryan circulated petition sheets 61 and 78 for Candidate Angelo "Skip" Saviano.
6. That Saviano petition sheet 61 has Ten (10) signatures
7. That Saviano petition sheet 78 has Ten (10) signatures.
8. That John P. Lagiola, Jr. circulated petition sheet 24 for Candidate Angelo "Skip" Saviano.
9. That Saviano petition sheet 24 has Ten (10) signatures.
10. That Joseph Lauro circulated petition sheets 59, 62, 65, 70, 76, 79 and 130 for Candidate Angelo "Skip" Saviano.
11. That Saviano petition sheets 59, 62, 65, 70, 76, and 79 each has Ten (10) signatures.
12. That Saviano petition sheet 130 has Nine (9) signatures.
13. That Randall Petersen circulated petition sheets numbered 100 and 101 for Democratic Candidate Terry Gallagher.
14. That William s. Ryan circulated petition sheet numbered 65 for Democratic Candidate Terry Gallagher.
15. That John P. Lagiola, Jr. circulated petition sheet numbered 67 for Democratic Candidate Terry Gallagher.
16. That Joseph Lauro circulated petition sheets numbered 78, 79, 80, 81, 89, 90 and 91 for Democratic Candidate Terry Gallagher.
17. That Barrett Pedersen is the Democratic Committecman of Leyden Township.
18. Francis Gricashamer is the Treasurer of the Village of Franklin Park, a political appointee to that position by Mayor Barrett Pedersen, a trustee of the Franklin Park Public Library, on the Franklin Park Zoning Board of Appeals appointed thereto by Barrett Pedersen, the Chairman of the political action committee "Friends of Barrett F. Pedersen", the Treasurer of the political committee the Democratic Party of Leyden Township, the campaign manager of Barrett Pedersen's campaign when he ran for Mayor of the Village Franklin Park, and Barrett Pedersen's long time key political operative.
19. That Saviano has given money and support to the Democratic Committeeman of Leyden Township, Barrett Pedersen
20. That Daniel Pritchett is Republican

22. That Saviano endorsed and worked for Barrett Pedersen's candidates for village trustee of Franklin Park along with Democrat Don Harmon.

23. That Randall Petersen, William S. Ryan, John P. Lagiola Jr. and Joseph Lauro are part of Barrett Pedersen's Democratic Organization and are commonly considered "precinct captains"

24. Joseph Lauro is the Department Head of the Streets, Water and Sewer Department of the Village of Franklin Park and a political appointee to that position by Barrett Pedersen.

25. Randy Petersen is a current trustee of the Village of Franklin Park, and the former retired chief of police of the Village of Franklin Park

26. That Saviano petition sheets described in Paragraphs 3 through 12 contain a total of 107 signatures. If such signatures were found to be invalid, the nominating petitions would contain at least 1,383 signatures (excluding two signatures whose bring the total number of signatures over 1,500, the statutory maximum) or 833 over the statutory minimum of 500

27. That there were 53 circulators who circulated Saviano nominating petitions.

## **ANALYSIS**

The issues in this case are:

I Whether the Objector has established a "pattern of fraud" involving the nominating petitions of the Candidate and, if so, what remedy is available to the Board;

II. Whether the Candidate is a qualified primary voter of the Republican Party.

### **I. Whether the Objector has established a "pattern of fraud" involving the nominating petitions of the Candidate and, if so, what remedy is available to the**

Courts have applied concept of "pattern of fraud" to the Election Code for several years. *Fortas v. Dixon*, 122 Ill. App.3d 697 (1984), *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App.3d 201, 509 N.E.2d 555 (1987), *Canter v. Cook County Officers Electoral Board*, 170 Ill. App.3d 364, 523 N.E.2d 1299 (1988), and *Mitchell v Cook County Officer Election Board* 399 Ill. App.3d 18 (2010)

In *Fortas v. Dixon*, 122 Ill. App.3d 697 (1984), the electoral board was presented with an objection which contended, inter alia, that certain of the signatures on the candidate's nominating petitions were invalid. During a hearing on the objections, evidence was uncovered that someone other than the person signing the circulator's oath had, in fact, circulated certain of the sheets of the petition. *Fortas*, 122 Ill. App.3d at 699-700. In holding that the electoral board had a right to strike, on that basis, a sheet to which the objector had not specifically objected, the appellate court observed that "when in the course of hearing objections to nominating papers, evidence beyond specific objections comes to the electoral board's attention, it cannot close its eyes and ears if evidence is relevant to the protection of the electoral process." *Fortas*, 122 Ill. App.3d at 701.

In *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App.3d 201(1987), an objection was filed claiming that certain specified signatures in the candidates nomination petitions were invalid. During the course of a hearing, evidence was presented that that the circulator permitted individuals to sign the names of family members who were not present, and that someone other than the affiant presented the petition to signers. Thus, it was undisputed that the voters did not sign "in their own proper person only." and the electoral board invalidated signatures other than those specified in the objection. *Huskey*, 156 Ill. App.3d at 203-204.

The appellate court, relying upon *Fortas*, upheld the electoral board's right to consider evidence relating to the validity of signatures other than those challenged in the objection and held that the "evidence constitutes a pattern of disregard for the mandatory requirements of the Election Code and affects the integrity of the political process. The



fact that the circulator misunderstood her instructions or was not properly instructed and thus did not have fraudulent intent does not alter our holding.” *Huskey*, 156 Ill. App.3d at 205.

Election laws exist to preserve the integrity of our government. (*Glenn v. Radden* (1984), 127 Ill. App.3d 712, 469 N.E.2d 616.) Before a candidate is denied a place on the ballot, the rights of both the candidate and the voters must be weighed in the balance. (*Anderson v. Schneider* (1977), 67 Ill.2d 165, 365 N.E.2d 900.) In addition, the State's interest in regulating elections must be recognized. The crucial question is whether it is conceivable that removing the candidate from the ballot has a rational relationship to a legitimate governmental objective. *Havens v. Miller* (1981), 102 Ill. App.3d 558,

The general purpose of the Election Code's signature requirements is to provide an orderly procedure by which qualified persons seeking public office may enter elections. (See *Lewis v. Dunne* (1976), 63 Ill.2d 48, 344 N.E.2d 443.) The petitions signed by electors are intended to serve a particular purpose. The primary purpose of the signature requirement is to reduce the electoral process to manageable proportions by confining ballot positions to a relatively small number of candidates who have demonstrated initiative and at least a minimal appeal to eligible voters. (*Merz v. Volberding* (1981), 94 Ill. App.3d 1111, 419 N.E.2d 628.) The obvious purpose of the requirement that each person may only sign his or her own name is to provide an accurate showing of the candidate's support in the community.

In *Canter v. Cook County Officers Electoral Board*, 170 Ill. App.3d 364, 523 N.E.2d 1299 (1988), the objector alleged that certain of the circulators' signatures appearing on the candidate's nominating petitions were not genuine and that certain of the other circulators' affidavits were false and perjurious, thereby reducing the number of valid signatures appearing on the petitions below the statutory minimum. *Canter*, 170 Ill. App.3d at 366. Citing *Fortas* and *Husky*, the court held that when the sheets of a nominating petition submitted by purported circulated evidence a pattern of fraud, false

swearing and total disregard for the mandatory requirements of the Election Code the sheets purportedly circulated by that individual should be stricken in their entirety. *Canter*, 170 Ill. App.3d 364, 368.

In *Mitchell v Cook County Officer Election Board* 399 Ill. App.3d 18 (2010), the Candidate, McGrath, initiated a candidacy for the office of judge of the circuit court of Cook County by submitting nominating papers to the Electoral Board.

Mitchell filed objections to McGrath's nominating papers. The objector's petition set forth numerous alleged violations of the Election Code, however, the majority of the allegations centered upon the petition sheets, challenging the validity and genuineness of the signatures and addresses contained thereon, claiming irregularities as to the signing of the petitions by a notary public, and alleging "a pattern of fraud and disregard of the Election Code."

The Board took testimony on Mitchell's allegation that some of the circulators did not appear in person before a notary public. Based upon the testimony presented, the Board determined it was "proper and well within its power to strike all of the sheets circulated by [McGrath] and/or notarized by Ms. Browning."

The Board noted the unique circumstance presented where: "[McGrath] was running as part of a ticket and the petition has thousands of valid signatures collected by the other candidates on the ticket and their supporters, who are accused of no wrongdoing. Each of these signatures supports the McGrath candidacy, independent of and separate from any act on her part. A candidacy is not the exclusive property of the candidate, even if he or she stands to gain the most from it. A candidacy is an expression of the popular will, of the signers of the petition, as well as of the candidate. These

signers may well be disheartened should they learn of what [McGrath] has done, but they will be able to express themselves as to that at the polls." Furthermore, the Board concluded that the case law dictated that the proper course of action was to strike those petition sheets tainted by the misconduct.

Mitchell sought review in the circuit court of Cook County. The circuit court affirmed the Board's decision as not being against the manifest weight of the evidence and not clearly erroneous.

Mitchell then filed an expedited appeal and argued that the Board erred where it, inter alia, failed to terminate McGrath's candidacy in its entirety

On that issue, the court reviewed Section 10-10 of the Election Code, which sets out the Board's function and limitations in reviewing nominating petitions, and determined that the Board's decision, in light of the misconduct and irregularities in the petitions, was to strike those petitions tainted by the improper notarizations, over and above those objections previously sustained.

In arriving at this conclusion, the court reviewed *Fortas v. Dixon*, 122 Ill. App. 3d 697, 462 N.E.2d 615(1984); *Huskey v. Municipal Officers Electoral Board*, 156 Ill. App. 3d 201, 509 N.E.2d 555 (1987); and *Canter v. Cook County Officers Electoral Board*, 170 Ill. App. 3d 364, 523 N.E.2d 1299(1988) and agreed that the Board was only empowered to strike the tainted signatures and, if enough signatures remained, the Candidate should remain on the ballot.

The clear teaching of these cases is in harmony with the action taken by the Board as to McGrath's candidacy. Contrary to Mitchell's contention, nothing in the record compels the conclusion that the Board was somehow required to terminate McGrath's candidacy. While the record demonstrates a pattern of irregularities related directly to McGrath and Browning, no such pattern was shown as to the entire universe of the nominating petitions. Moreover, Mitchell has not offered a

basis in the Board's enabling statutes or in the law for such a requirement. As noted, the function of the Board is to determine whether the nominating papers are valid and if the objections ought to be sustained. See 10 ILCS 5/10-10 (West 2008). In the absence of evidence that the nominating papers were invalid or the presence of sufficient objections to warrant termination of the candidacy, we discern no legal basis authorizing the Board to terminate a candidacy.

In the present case, the sustained objections, while significant, nonetheless left McGrath with a sufficient number of signatures to support her candidacy. Moreover, we agree with the Board's observation that McGrath's presence on a ticket with other candidates presented a unique situation. Her candidacy was, in fact, supported by signatures gathered by countless other people who were not accused of wrongdoing.

The common denominator in the aforementioned cases focused on whether, after striking those nominating petitions based upon a "pattern of fraud", there was a sufficient number of valid signatures on the remaining petitions to satisfy the statutory minimum. Accordingly, even if the signatures of circulators are struck based upon a "pattern of fraud", it appears that, under existing case law, the Board is only authorized to strike the signatures circulated by those circulators. If sufficient signatures remain, the candidate's name should not be stricken from the ballot.

In the instant case, the evidence indicates that circulators William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro averred that the persons signing the nomination petitions for a Democratic candidate, Terry Gallagher, were "qualified voters of the Democratic Party", and then averred that those same signors were "qualified voters of the Republican Party" when they signed nominations petitions for Angelo Saviano. Clearly, such conduct demonstrates a "pattern of fraud" which requires that all nominating petitions circulated by the four circulators be stricken. However, even if stricken, the Candidate has 1,383 remaining signatures, which is more than the 500 signatures required to remain on the ballot.

## **II. Whether the Candidate is a qualified primary voter of the Republican Party.**

The second issue raised by the Objector in the instant case concerns the Candidate's "Statement of Candidacy" wherein the Candidate affirmed that he was "a qualified Primary voter of the Republican Party". This issue was recently addressed by the Supreme Court in *Hossfeld v. State Board of Elections*, 238 Ill.2d 418, (2010), a case which, like the instant case, concerned the party-switching restrictions on political candidates for the General Assembly under the Election Code (10 ILCS 5/8-8 (West 2008)).

The relevant facts in *Hossfeld* were not in dispute. In February 2009, Steven Rauschenberger, who had historically voted a Republican ballot in primary elections, voted a Democratic ballot in the consolidated primary election in Elgin Township. Rauschenberger's sister was running for Democratic township trustee. The general township election, for which that primary was held, took place in April 2009. Six months later, in October 2009, Rauschenberger filed nomination papers seeking the Republican nomination for the office of State Senator of the 22nd Legislative District for the February 2, 2010, general primary election.

Pursuant to section 8-8 of the Election Code (10 ILCS 5/8-8 (West 2008)), Rauschenberger's nomination papers included a sworn "statement of candidacy" which stated, in relevant part, that Rauschenberger was a "qualified primary voter of the Republican Party."

Prior to the general primary election, Frederick J. Hossfeld filed an objector's petition challenging Rauschenberger's eligibility to run as a Republican candidate. Hossfeld argued that Rauschenberger's statement of candidacy falsely stated that he was a "qualified primary voter of the Republican Party." Relying on *Cullerton v. Du Page*



*County Officers Electoral Board*, 384 Ill. App. 3d 989 (2008), Hossfeld maintained that because Rauschenberger had voted as a Democrat at the most recent primary election preceding the filing of his nomination papers, his status was "locked" as a Democratic primary voter until he voted in the February 2010 general primary election.

The State Board of Elections, sitting as the State Officers Electoral Board, appointed a hearing examiner who, relying on the *Cullerton* case, recommended that Hossfeld's objection be sustained. The Board's general counsel concurred. A subsequent vote by the eight-member Board, however, resulted in a tie vote. Because a majority vote is required to invalidate nomination papers (10 ILCS 5/10-10 (West 2008)), Rauschenberger's name remained on the ballot for the February 2010 general primary election pending judicial review in the circuit court of Cook County.

In an expedited appeal, the appellate court affirmed, over a dissent. 398 Ill. App. 3d 737. The appellate majority held that the Election Code "no longer provides express time limitations on party-switching for candidates," and that Rauschenberger was a qualified primary voter of the Republican Party. 398 Ill. App. 3d at 743.

On appeal to the Supreme Court, Hossfeld argued that, pursuant to *Cullerton*, Rauschenberger was not a "qualified primary voter of the Republican Party" because he voted a Democratic ballot in "the most recent primary election preceding the filing of [his] statement of candidacy," and he was thus "locked" as a Democratic primary voter until he voted in the 2010 general primary election. *Cullerton*, 384 Ill. App. 3d at 996. Hossfeld maintained that no significance attached to the fact that the Democratic ballot he voted was in a consolidated or local election, which was completed prior to Rauschenberger filing his nomination papers for a statewide office.

Rauschenberger responded that the General Assembly had eliminated the "lock out" provisions in the Election Code, which were held unconstitutional under *Kusper v. Pontikes*, 414 U.S. 51, 38 L. Ed. 2d 260, 94 S. Ct. 303 (1973); *Sperling v. County Officers Electoral Board*, 57 Ill. 2d 81 (1974)), and that under the current Election Code, Rauschenberger properly declared himself a qualified primary voter of the Republican Party. Accordingly, Rauschenberger maintained that his Democratic vote in the 2009 consolidated election in Elgin Township did not preclude him from declaring himself a qualified primary voter of the Republican Party in his nomination papers for the 2010 general primary election.

The Supreme Court agreed with Rauschenberger. In arriving at its holding, the court tracked the pertinent cases, as well as the legislative history of the Election Code which, at one time, contained a two-year restriction on party-switching applicable to three separate categories 1) voters, 2) signers of nomination petitions, and 3) candidates.

The *Hossfeld* court explained that the Election Code had at one time precluded a person to vote at a primary election if he had voted at the primary election of another political party within the preceding 23 months. Ill. Rev. Stat. 1971, ch. 46, par. 7-43(d). Section 7-10 contained a similar restriction applicable to signers of nominating petitions for primary elections and candidates for nomination in such primary elections. Section 7-10 required that nominating petitions shall be signed by "qualified primary electors," and that candidates, in their nomination petitions, must swear that he or she "is a qualified primary voter of the party to which the petition relates." Ill. Rev. Stat. 1971, ch. 46, par. 7-10. For purposes of determining eligibility to sign a nomination petition or to be a candidate, section 7-10 provided, in relevant part, that a "qualified primary elector" of a

party "is an elector who has not requested a primary ballot of any other party at a primary election held within 2 years of the date on which the petition must be filed." Ill. Rev. Stat. 1971, ch. 46, par. 7-10. For purposes of determining eligibility to sign a nomination petition or to be a candidate, section 7-10 provided, in relevant part, that a "qualified primary elector" of a party "is an elector who has not requested a primary ballot of any other party at a primary election held within 2 years of the date on which the petition must be filed." Ill. Rev. Stat. 1971, ch. 46, par. 7-10.

The *Hossfeld* court noted that restrictions on party-switching set forth in section 7-10 were mirrored in article 8 of the Election Code, which governed nominations of members of the General Assembly. Section 8-8 required a candidate to swear, in his or her statement of candidacy, that he or she is a "qualified primary voter of the party to which the petition relates." For purposes of determining eligibility to sign a nomination petition or to be a candidate under article 8, a "qualified primary elector" was defined in relevant part as "an elector who has not requested a primary ballot of any other party at a primary election held within 2 years of the date on which the petition must be filed." Ill. Rev. Stat. 1971, ch. 46, par. 8-8.

In tracking the demise of the aforementioned legislation, the *Hossfeld* court noted that in *Kusper v. Pontikes*, 414 U.S. 51, 38 L. Ed. 2d 260, 94 S. Ct. 303 (1973), the United States Supreme Court held that the restriction against party-switching by voters contained in section 7-43(d) unconstitutionally infringed on the right of free political association protected by the first and fourteenth amendments.

One year after the *Kusper* decision was entered, the *Hossfeld* court noted that it decided *Sperling v. County Officers Electoral Board*, 57 Ill. 2d 81 (1974). Based upon the

reasoning in *Kusper*, the two-year no-switch rule applicable to voters who wish to sign primary nominating petitions, set forth in section 7-10 was no longer operative. *Sperling*, 57 Ill. 2d at 84.

The *Hossfeld* court acknowledged that in *Sperling*, it also considered the continuing viability of the two-year no-switch rule applicable to candidates in primary elections. In *Sperling*, the court observed that the "standards governing party changes by candidates should be more restrictive than those relating to voters generally," and that "the restriction on candidates could be upheld against constitutional challenge." *Sperling*, 57 Ill. 2d at 84, 86. However, in deciding *Sperling*, the Court concluded that because the party-switching restrictions upon the three categories of voters were so closely related, the General Assembly would not have enacted the portion relating to candidates apart from some restrictions upon voters generally, and upon voters who sign primary nomination petitions. *Sperling*, 57 Ill. 2d at 86. "In these circumstances the restrictions upon candidates cannot be considered independent and severable from the invalid portions of the plan." *Sperling*, 57 Ill. 2d at 86. (Later the Supreme Court clarified that, in the absence of amendatory legislation, the effect of the decisions in *Kusper* and *Sperling* was to "render inoperable" the two-year party-switching restrictions. *Dooley v. McGillicuddy*, 63 Ill. 2d 54, 60 (1976)).

The *Hossfeld* court observed that the General Assembly, in 1990, amended sections 7-10 and 8-8 of the Election Code. See Pub. Act 86-1348, § 2, eff. September 7, 1990. Though retaining the requirement that a candidate must swear that he or she is a "qualified primary voter of the party to which the nomination petition relates," the General Assembly deleted the definition of "qualified primary elector." In so doing, the

General Assembly deleted the two-year no-switch rule. After amendment, sections 7-10 and 8-8 stated simply that "[a] 'qualified primary elector' of a party may not sign petitions for or be a candidate in the primary of more than one party." Pub. Act 86-1348, § 2, eff. September 7, 1990.

The *Hossfeld* court further observed that since 1990, the General Assembly has not adopted any time restrictions on party-switching by candidates or other definition of "qualified primary elector." And that the General Assembly deleted the no-switch rule applicable to voters set forth in section 7-43(d), which the *Kusper* opinion found unconstitutional. See Pub. Act 95-699, § 5, eff. November 9, 2007. Thus, no vestige of the former party-switching rule remains in the statute.

The *Hossfeld* court recognized that it was against this historical legislative backdrop, that the appellate court decided *Cullerton v. Du Page County Officers Electoral Board*, 384 Ill. App. 3d 989 (2008). At issue was whether Thomas Cullerton was a "qualified primary voter of the Democratic Party" for purposes of section 7-10 of the Election Code.

Cullerton had voted a Republican ballot in the February 2008 general primary election in Du Page County. Following that primary, the Democratic Party, who had no candidate for State Senator of the 23rd Legislative District, nominated Cullerton as its candidate for the November 2008 general election. The Du Page County Electoral Board sustained an objection to Cullerton's candidacy, which the circuit court reversed. On appeal, the appellate court held that Cullerton was ineligible to run as a Democratic candidate in the general primary election. *Cullerton*, 384 Ill. App. 3d at 990. After reviewing the history of the party-switching provisions in the Election Code, the

appellate court concluded: "The plain and ordinary meaning of the requirement that a candidate be a qualified primary voter of the party for which he seeks a nomination mandates, if nothing else, that the candidate have been eligible to vote in the primary for that party in the most recent primary election preceding the candidates' filing the statement of candidacy." *Cullerton*, 384 Ill. App. 3d at 996.

The appellate court explained that when Cullerton chose to vote in the Republican and not the Democratic primary in 2008, he was "locked" as a Republican primary voter until the next primary, then scheduled for 2010. Thus, at the time Cullerton submitted his statement of candidacy, he was not a qualified primary voter of the Democratic Party. *Cullerton*, 384 Ill. App. 3d at 996. Thus, *Cullerton* pertained to a situation where the candidate attempted to switch parties within one election cycle or season, *i.e.*, Cullerton voted a Republican ballot at the primary, but then sought to run as a Democratic candidate at the general election for which that primary was held.

The *Hossfeld* court found that, unlike the Candidate in *Cullerton*, the election cycle or season during which Rauschenberger voted a Democratic ballot — the 2009 consolidated election in Elgin Township — was completed with the general township election in April 2009, prior to Rauschenberger aligning himself with the Republican Party in his October 2009 nomination papers for purposes of the 2010 general primary. Thus, the court concluded that Rauschenberger had not attempted to switch parties during the new election cycle. Additionally, the court declared that:

Moreover, we find nothing in the language of section 7-10 or 8-8 of the Election Code to support Hossfeld's argument that Rauschenberger's nomination papers falsely state that he is a "qualified primary voter of the Republican Party." As the appellate court here correctly observed, the Election Code no longer contains express time limitations on party-switching, and Rauschenberger did not run afoul of the only remaining restriction, set forth in both sections 7-10 and 8-8, that a

"'qualified primary elector' of a party may not sign petitions for, or be a candidate in, the primary of more than one party" See 398 Ill. App. 3d at 744. Further, no claim has been made that Rauschenberger did not meet the qualifications for primary voters generally which are set forth in section 7-43. See 10 ILCS 5/7-43 (West 2008) (setting forth residency and age restrictions for primary voters). Though we agree with Hossfeld that party-switching restrictions on candidates for public office are an important protection in the electoral process, "[s]uch restrictions and establishment of the periods of time involved are, within constitutional limitations, matters for legislative determination." *Sperling*, 57 Ill. 2d at 86. After deleting the two-year no-switch rule, the General Assembly has not seen fit to enact any further time restrictions. Accordingly, under the present Election Code, Rauschenberger's nominating papers are valid.

Simply put, the *Hossfeld* Court found that Rauschenberger should remain on the ballot because his conduct "did not run afoul of the only remaining restriction set forth in both sections 7-10 and 8-8, [which provided] that "'qualified primary elector' of a party may not sign petitions for, or be a candidate in, the primary of more than one party".

How instructive is the *Hossfeld* decision in providing guidance to the Board in dealing with allegations of "qualified primary elector of a party may not sign petitions for, or be a candidate in, the primary of more than one party"? Not very much; for although the Board can expect a reviewing court to uphold a decision to remove a candidate who votes in a primary of one party and runs as a candidate in another party during the same cycle, in the absence of meaningful "party switching" legislation, the Board, as well the public, the candidates, and objectors, are left to grapple with what is meant by that section of the Election Code which provides "*qualified primary elector of a party may not sign petitions for, or be a candidate in, the primary of more than one party*", as well as what is meant by "I ...*am a qualified Primary voter of the \_\_\_\_\_ Party*", found in the Statement of Candidacy.



Clearly, it is the cumulative effect of all the evidence, including circulator irregularities in conjunction with the Candidate's Statement of Candidacy, which needs to be considered by the legislature and courts. (See Justice Murphy's dissenting opinion in *Mitchell v Cook County Officer Election Board* 399 Ill. App.3d 18 (2010). Accordingly, until there is legislation that has been constitutionally tested by the courts, it is inevitable that some political organizations will attempt to use the legislative vacuum and nominate their own candidates in another party's primary in hopes of assuring a "victory", regardless of which candidate wins the general election. Until this potential for abuse is addressed, the Board should expect a flurry of cases in which persons purported to be in one party run in the primary of another party.

That being said, in the instant case, based upon limited legislation and skimpy instructions provided by the Supreme Court, it is anticipated that a reviewing court will look at the Objector's general allegations concerning the Candidate's current and prior affiliation with the Democratic Party, coupled with the absence of any direct evidence that the Candidate was aware of the circulator irregularities committed by 4 of his 53 circulators, as an insufficient basis for questioning the Candidate's constitutional right to experience a political "epiphany" and switch his allegiance in time to run in the Republican Party's primary.

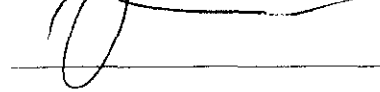
Accordingly, based upon the Supreme Court's holding in *Hossfeld*, and under the present Election Code, it appears that the Candidate has a sufficient number of valid signatures on his nominating petitions to remain on the ballot as a Republican candidate for the office of state representative, 77<sup>th</sup> Representative District of the State of Illinois.

#### **SUMMARY OF FINDINGS AND RECCOMENDATIONS**

1. Candidate, Angelo "Skip" Saviano, has filed Republican nomination petitions for the office of state representative, 77<sup>th</sup> Representative District of the State of Illinois.
2. That objections to the nomination petitions of the Candidate were timely filed by Objector, Kenneth Zurek.
3. The Candidate had submitted a total of 152 nominating sheets, circulated by 53 circulators, which contained 1,407 nominating signatures. The minimum signatures required for a candidate to be placed on the ballot for the office of state representative is 500.
4. The Objector has alleged and established circulator irregularities regarding petitions circulated by William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro.
5. There was no direct evidence that the Candidate was aware of the circulator irregularities committed by William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro.
6. That the petitions circulated by William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro contained 107 signatures
7. That the 107 signatures should be stricken.
8. That the verified allegations of perjury committed William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro, as set forth in the Objector's petition, should be referred to the Cook County State's Attorney.
9. That after striking 107 signatures, there remains 1,276 signatures, which is in excess of the 500 signatures required under the statute.

10. That the objection to the nominating petitions filed by Objector, Kenneth Zurek , should be denied. The name of Angelo "Skip" Saviano should be certified to the ballot for the office of for the office of state representative, 77<sup>th</sup> Representative District of the State of Illinois.

Respectfully Submitted,



/s/Philip Krasny, Hearing Officer

1/5/12

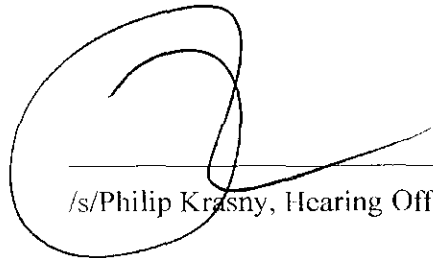
**CERTIFICATION**

The undersigned certifies that on January 5, 2012, the FINDINGS AND RECOMMENDATIONS OF HEARING OFFICER was forwarded via e-mail to:

Steve Sandervoss at ssandvoss@elections.il.gov  
General Counsel State Board of Elections

Andrew Raucci at ilobby30n@aol.com  
Attorney for candidate

Kenneth Zurek at bmatt60645@gmail.com  
Pro Se Objector



/s/Philip Krasny, Hearing Officer

**BEFORE THE ELECTORAL BOARD  
FOR THE HEARING AND PASSING ON OF OBJECTIONS  
TO THE NOMINATING PAPERS OF CANDIDATES FOR NOMINATION  
TO THE OFFICE OF REPRESENTATIVE IN THE ILLINOIS GENERAL ASSEMBLY  
OF THE STATE OF ILLINOIS**

In the Matter Of:

**KENNETH P ZUREK**

*Petitioner-Objector,*

vs.

**ANGELO "SKIP" SAVIANO,**

*Respondent - Candidate for  
Representative in the Illinois General  
Assembly 77<sup>th</sup> Representative District  
Republican Primary Ballot.*

CHICAGO  
11 DEC 12 PM 1:00  
STATE BOARD OF ELECTIONS

**VERIFIED OBJECTOR'S PETITION**

**INTRODUCTION**

**KENNETH P. ZUREK** (hereinafter "Objector") states as follows:

1. Objector resides at 3229 George Street Franklin Park, Illinois 60131 in the 77th Representative District of the State of Illinois where Objector is a legal and registered voter.
2. The Objector's interest in filing this Petition is the Objector's interest in seeing that the laws governing the filing of nomination papers for the office of Representative in the Illinois General Assembly 77th Representative District are observed and that only qualified candidates appear on the official Republican Primary ballot for the office of Representative in the Illinois General Assembly 77th Representative District to be voted on in the primary election to be held March 20, 2012.

**OBJECTIONS**

1. The Objector makes the following objections to the purported nomination papers ("Nomination Papers") of Angelo "Skip" Saviano as a Republican candidate for

Representative in the Illinois General Assembly 77th Representative District, to be voted at the General Primary Election to be held on March 20, 2012. The Objector respectfully suggests that the Nomination Papers of Angelo "Skip" Saviano are insufficient at law and in fact for the following reasons:

2. Pursuant to state law, nomination papers for the election on March 20, 2012 for the nomination to the Office of Representative in the Illinois General Assembly 77th Representative District, must contain signatures of not fewer than 500 duly qualified, registered and legal voters of said district collected in a manner provided by law. In addition, said Nomination Papers must truthfully allege and set forth the qualifications of the candidate, be gathered and presented in the manner provided by the Illinois Election Code and otherwise be executed in the form provided by law.

3. The Nomination Papers contain petition sheets of circulators William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro who circulated petition sheets for Terry Gallagher as a Democratic candidate for Judge of the Circuit Court of Cook County Illinois 4<sup>th</sup> Judicial Subcircuit (Riley Vacancy), as is set forth in the Appendix-Recapitulation attached hereto and incorporated herein by reference, in violation of the Illinois Election Law.

4. The Nomination Papers contain petition sheets of circulators William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro who contain signatures of person who previously signed petitions sheets for Terry Gallagher as a Democratic candidate for Judge of the Circuit Court of Cook County Illinois 4<sup>th</sup> Judicial Subcircuit (Riley Vacancy), as is set forth in the Appendix-Recapitulation attached hereto and incorporated herein by reference, in violation of the Illinois Election Law.

5. The Nomination Papers contain petition sheets of circulators William S. Ryan, John P. Lagioia Jr., Randall Petersen, and Joseph Lauro which evidence a pattern of fraud and false swearing invalidating all their petition sheets in that their circulators affidavits were false, untrue, and perjurious because they swore that the persons signing the petitions on behalf of Terry Gallagher were qualified voters of the Democratic Party and also then executed circulators affidavits on behalf of Angelo "Skip" Saviano that the very same persons were qualified voters of the Republican Party.

6. The Nomination Papers contain sheets circulated by individuals whose sheets demonstrate a disregard for the Election Code to such a degree that every sheet circulated by said individuals is invalid, and should be invalidated in order to protect the integrity of the electoral process.

7. The Nomination Papers do not truthfully allege and set forth the qualifications of the candidate in the following ways:

- (a) that Saviano is a Republican in name only;
- (b) that saviano being a "Republican" is a fiction created to hide from the voters and the Democratic process his true affiliation which is Democratic;
- (c) that Saviano has given money and support to the Democratic Committeeman of Leyden Township Barrett Pedersen;
- (d) that Saviano has endorsed the Democratic Committeeman of Leyden Township Barrett Pedersen over the Republican Daniel Pritchett;
- (e) that Saviano has refused to endorse the Republican Daniel Pritchett for office but instead endorsed Barrett Pedersen the Democratic Committeeman of Leyden Township; and
- (f) that Democratic precinct captains of Barrett Pedersen have circulated Saviano's Nomination Papers.

8. The Appendix-Recapitulation is incorporated herein and the objections made herein are a part of this Objectors Petition.

#### **CONCLUSION**

**WHEREFORE**, the Objector, Kenneth P. Zurek, respectfully requests a hearing on the objections set forth herein, an examination of the official records relating to voters in the 77th Representative District of Illinois to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers of Angelo "Skip" Saviano are insufficient in law and fact, and a ruling that the name of Angelo "Skip" Saviano should not appear on the official Republican Primary ballot for the office of Representative in the Illinois General Assembly 77th Representative District, to be voted at the General Primary Election to be held on March 20, 2012.

Dated: December 12, 2011.

Respectfully submitted,

A handwritten signature in black ink, reading "Kenneth P. Zurek". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Kenneth P. Zurek, Objector *pro se*

3229 George Street  
Franklin Park, IL 60131

847-529-8431



### CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated this 12<sup>th</sup> day of December 2011.

Kenneth P. Zurek

By Kenneth P Zurek

Kenneth P. Zurek, Objector *pro se*  
3229 George Street  
Franklin Park, Illinois 60131

**APPENDIX-RECAPITULATION OF OBJECTIONS OF KENNETH P. ZUREK TO NOMINATION PAPERS OF ANGELO "SKIP" SAVIANO**

<b>Sheet #</b>	<b>Line #</b>	<b>Circulator</b>	<b>Objection/Violation of Illinois Election Law</b>
24		John P. Lagioia Jr.	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
59		Joe Lauro	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
61		William S. Ryan	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
62		Joe Lauro	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
65		Joe Lauro	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
70		Joe Lauro	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
76		Joe Lauro	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
78		William S. Ryan	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
79		Joe Lauro	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
111		Randall Petersen	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
130		Joe Lauro	Circulated Petition Sheets for Democratic Candidate Terry Gallagher 4th subcircuit court judge
24		John P. Lagioia Jr.	Circulator's Affidavit false, untrue, and perjurious .
59		Joe Lauro	Circulator's Affidavit false, untrue, and perjurious .
61		William S. Ryan	Circulator's Affidavit false, untrue, and perjurious .
62		Joe Lauro	Circulator's Affidavit false, untrue, and perjurious .
65		Joe Lauro	Circulator's Affidavit false, untrue, and perjurious .
70		Joe Lauro	Circulator's Affidavit false, untrue, and perjurious .
76		Joe Lauro	Circulator's Affidavit false, untrue, and perjurious .
79		Joe Lauro	Circulator's Affidavit false, untrue, and perjurious .
111		Randall Petersen	Circulator's Affidavit false, untrue, and perjurious .
130		Joe Lauro	Circulator's Affidavit false, untrue, and perjurious .
24	1		Previously Signed Petition Sheet for Democrat Terry Gallagher
24	2		Previously Signed Petition Sheet for Democrat Terry Gallagher
24	3		Previously Signed Petition Sheet for Democrat Terry Gallagher
24	4		Previously Signed Petition Sheet for Democrat Terry Gallagher
24	5		Previously Signed Petition Sheet for Democrat Terry Gallagher
24	6		Previously Signed Petition Sheet for Democrat Terry Gallagher
24	7		Previously Signed Petition Sheet for Democrat Terry Gallagher
24	8		Previously Signed Petition Sheet for Democrat Terry Gallagher
24	9		Previously Signed Petition Sheet for Democrat Terry Gallagher
24	10		Previously Signed Petition Sheet for Democrat Terry Gallagher
59	9		Previously Signed Petition Sheet for Democrat Terry Gallagher

**APPENDIX-RECAPITULATION OF OBJECTIONS OF KENNETH P. ZUREK TO NOMINATION PAPERS OF ANGELO "SKIP" SAVIANO**

<b>Sheet #</b>	<b>Line #</b>	<b>Circulator</b>	<b>Objection/Violation of Illinois Election Law</b>
61	1	1	Previously Signed Petition Sheet for Democrat Terry Gallagher
61	2	2	Previously Signed Petition Sheet for Democrat Terry Gallagher
61	3	3	Previously Signed Petition Sheet for Democrat Terry Gallagher
61	5	5	Previously Signed Petition Sheet for Democrat Terry Gallagher
61	6	6	Previously Signed Petition Sheet for Democrat Terry Gallagher
61	7	7	Previously Signed Petition Sheet for Democrat Terry Gallagher
61	8	8	Previously Signed Petition Sheet for Democrat Terry Gallagher
61	9	9	Previously Signed Petition Sheet for Democrat Terry Gallagher
61	10	10	Previously Signed Petition Sheet for Democrat Terry Gallagher
62	1	1	Previously Signed Petition Sheet for Democrat Terry Gallagher
62	2	2	Previously Signed Petition Sheet for Democrat Terry Gallagher
62	3	3	Previously Signed Petition Sheet for Democrat Terry Gallagher
62	4	4	Previously Signed Petition Sheet for Democrat Terry Gallagher
62	5	5	Previously Signed Petition Sheet for Democrat Terry Gallagher
62	6	6	Previously Signed Petition Sheet for Democrat Terry Gallagher
62	7	7	Previously Signed Petition Sheet for Democrat Terry Gallagher
78	8	8	Previously Signed Petition Sheet for Democrat Terry Gallagher
65	1	1	Previously Signed Petition Sheet for Democrat Terry Gallagher
65	2	2	Previously Signed Petition Sheet for Democrat Terry Gallagher
65	3	3	Previously Signed Petition Sheet for Democrat Terry Gallagher
65	4	4	Previously Signed Petition Sheet for Democrat Terry Gallagher
65	5	5	Previously Signed Petition Sheet for Democrat Terry Gallagher
65	6	6	Previously Signed Petition Sheet for Democrat Terry Gallagher
65	7	7	Previously Signed Petition Sheet for Democrat Terry Gallagher
65	8	8	Previously Signed Petition Sheet for Democrat Terry Gallagher
65	9	9	Previously Signed Petition Sheet for Democrat Terry Gallagher
70	1	1	Previously Signed Petition Sheet for Democrat Terry Gallagher
70	2	2	Previously Signed Petition Sheet for Democrat Terry Gallagher
70	3	3	Previously Signed Petition Sheet for Democrat Terry Gallagher
70	4	4	Previously Signed Petition Sheet for Democrat Terry Gallagher
70	5	5	Previously Signed Petition Sheet for Democrat Terry Gallagher
70	6	6	Previously Signed Petition Sheet for Democrat Terry Gallagher

**APPENDIX-RECAPITULATION OF OBJECTIONS OF KENNETH P. ZUREK TO NOMINATION PAPERS OF ANGELO "SKIP" SAVIANO**

<b>Sheet #</b>	<b>Line #</b>	<b>Circulator</b>	<b>Objection/Violation of Illinois Election Law</b>
70	7		Previously Signed Petition Sheet for Democrat Terry Gallagher
70	8		Previously Signed Petition Sheet for Democrat Terry Gallagher
70	10		Previously Signed Petition Sheet for Democrat Terry Gallagher
76	1		Previously Signed Petition Sheet for Democrat Terry Gallagher
76	2		Previously Signed Petition Sheet for Democrat Terry Gallagher
76	3		Previously Signed Petition Sheet for Democrat Terry Gallagher
76	4		Previously Signed Petition Sheet for Democrat Terry Gallagher
76	5		Previously Signed Petition Sheet for Democrat Terry Gallagher
76	7		Previously Signed Petition Sheet for Democrat Terry Gallagher
76	8		Previously Signed Petition Sheet for Democrat Terry Gallagher
76	9		Previously Signed Petition Sheet for Democrat Terry Gallagher
76	10		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	1		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	2		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	3		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	4		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	5		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	6		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	7		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	8		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	9		Previously Signed Petition Sheet for Democrat Terry Gallagher
79	10		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	1		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	2		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	3		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	4		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	5		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	6		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	7		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	8		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	9		Previously Signed Petition Sheet for Democrat Terry Gallagher
111	10		Previously Signed Petition Sheet for Democrat Terry Gallagher

**APPENDIX-RECAPITULATION OF OBJECTIONS OF KENNETH P. ZUREK TO NOMINATION PAPERS OF ANGELO "SKIP" SAVIANO**

<b>Sheet #</b>	<b>Line #</b>	<b>Circulator</b>	<b>Objection/Violation of Illinois Election Law</b>
130	1		Previously Signed Petition Sheet for Democrat Terry Gallagher
130	2		Previously Signed Petition Sheet for Democrat Terry Gallagher
130	3		Previously Signed Petition Sheet for Democrat Terry Gallagher
130	5		Previously Signed Petition Sheet for Democrat Terry Gallagher
130	6		Previously Signed Petition Sheet for Democrat Terry Gallagher
130	7		Previously Signed Petition Sheet for Democrat Terry Gallagher
130	8		Previously Signed Petition Sheet for Democrat Terry Gallagher
130	9		Previously Signed Petition Sheet for Democrat Terry Gallagher
130	10		Previously Signed Petition Sheet for Democrat Terry Gallagher



Democratic Primary to be voted upon at the Democratic Primary to be held on March 20, 2012. Objector alleges that the signatures on the identified circulators are invalid (Paragraph 3 of the Verified Objector's Petition) and that the circulator's affidavits are false in that the affidavits allege that the persons signing were qualified voters of the Republican Party (Paragraph 5 of the Verified Objector's Petition).

b. Eighty-four signatories (on the same sheets described in "a" above but not counting three signatures deleted by the Candidate) allegedly signed the Gallagher petition prior to signing your candidate's nominating petition (Paragraph 3 of the Verified Objector's Petition).

c. The nominating petitions contain the sheets of unidentified circulators "whose sheets demonstrate a disregard to the Election Code to such a degree" that every sheet is invalid (Paragraph 6 of the Verified Objector's Petition). No specification is made of either the circulators or the facts underlying the allegation.

d. The Nomination Papers do not truthfully allege and set forth the qualifications of the Candidate (Paragraph 7 of the Verified Objector's Petition). The thrust of this allegation is that the Candidate is not a true Republican because of the Candidate's alleged Democratic affiliations. No allegation is made that the Candidate fails to meet the statutory requirement that he is a qualified primary elector of the Republican Party.

6. The allegations of Paragraphs 3, 4, and 5 challenge a total of 107 signatures (excluding duplicate objections to the same sheets/signatures). Even if the Objector

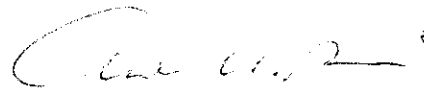


succeeded in invalidating the 107 signatures, the Candidate would still have a number of valid signatures well in excess of the statutory minimum of 500.

7. The allegations of Paragraph 6 should be stricken for the reason that they fail to inform the Candidate with sufficient specificity to prepare a defense. There is no specificity of what circulators are objected to, and what acts, if true, they performed that would justify the Objector's allegations.

8. The allegations of Paragraph 7 should be stricken for the reason that they fail to allege facts, which if true, would invalidate the Candidate's Nomination Papers.

Wherefore, your Objector prays the Electoral Board to strike and dismiss the Verified Objector's Petition, and to enter an Order declaring that the name of ANGELO "SKIP" SAVIANO be printed upon the Republican Primary Ballot as a candidate for nomination of the Republican Party for the office of Representative in the General Assembly for the 77<sup>th</sup> Representative District to be voted upon at the Primary Election to be held on March 20, 2012.



---

ANDREW M. RAUCCI

ANDREW M. RAUCCI  
Attorney for Candidate  
3000 North Sheridan Road  
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Chicago, IL 60657-5580  
Phone & Cell: 312/203-2700  
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NOTICE OF FILING

TO:

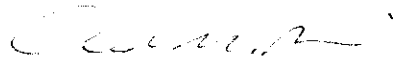
Philip Krasny  
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Kenneth P. Zurek  
3229 George Street  
Franklin Park IL 60131

PLEASE TAKE NOTICE that on December 20, 2011, I filed with the State Officers Electoral Board the following document:

CANDIDATE'S MOTION TO STRIKE



Attorney for Candidate

ANDREW M. RAUCCI  
Attorney for Candidate  
3000 North Sheridan Road  
Suite 18C  
Chicago, Illinois 60657  
Ph. 312/203-2700  
Fax 773/348-3524  
Email [ilobby30n@aol.com](mailto:ilobby30n@aol.com)

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that he served the above and foregoing Notice of Filing and the document referenced therein on the parties to whom it was directed, on December ~~10~~ 20, 2011, before the hour of Noon personal delivery.



Attorney for Candidate

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY CONSTITUTED  
STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OF  
OBJECTIONS TO NOMINATION PAPERS SEEKING TO PLACE ESTABLISHED POLITICAL  
PARTY CANDIDATES ON THE BALLOT FOR THE MARCH 20, 2011 PRIMARY ELECTION

In the Matter Of:

**KENNETH P ZUREK**

*Petitioner-Objector.*

vs.

11 SOEB GP501

**ANGELO "SKIP" SAVIANO,**

*Respondent - Candidate for  
Representative in the Illinois General  
Assembly 77<sup>th</sup> Representative District  
Republican Primary Ballot.*

**NOTICE OF FILING**

To: Andrew M. Raucel  
3000 N. Sheridan Rd., Suite 18C  
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Philip Krasny  
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Steven Sandvoss  
General Counsel

[steven.sandvoss@soeb.com](mailto:steven.sandvoss@soeb.com)

**PLEASE TAKE NOTICE** that on December 27, 2011, the foregoing was signed and filed via electronic transmission (e-mail) with the State Board of Elections Sitting as the Duly Constituted State Officers Electoral Board, the following, a copy of which is herewith served upon you, **OBJECTOR'S RESPONSE TO CANDIDATE'S MOTION TO STRIKE** with accompanying Exhibits 1 - 2.

**Certificate of Service**

I hereby certify pursuant to Section 1-109 of the Illinois Code of Civil Procedure that on December 27, 2011, I caused true and correct copies of the foregoing **NOTICE OF FILING**, and **OBJECTOR'S RESPONSE TO CANDIDATE'S MOTION TO STRIKE** with accompanying Exhibits 1 - 2, to be served by via electronic transmission (e-mail) on the above named persons by sending the same via electronic transmission (e-mail) before 5:00 pm, upon each person at the e-mail address listed above.

DATED this 27<sup>th</sup> day of December 2011.

By: 

Kenneth P. Zurek  
3229 George Street  
Franklin Park, Illinois 60131  
847-529-8431

BEFORE THE STATE BOARD OF ELECTIONS SITTING AS THE DULY  
CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND  
PASSING UPON OF OBJECTIONS TO NOMINATION PAPERS SEEKING TO  
PLACE ESTABLISHED POLITICAL PARTY CANDIDATES ON THE BALLOT FOR  
THE MARCH 20, 2011 PRIMARY ELECTION

In the Matter Of:

**KENNETH P ZUREK**

*Petitioner-Objector,*

vs.

11 SOEB GP501

**ANGELO "SKIP" SAVIANO,**

*Respondent - Candidate for  
Representative in the Illinois General  
Assembly 77<sup>th</sup> Representative District  
Republican Primary Ballot.*

**OBJECTOR'S RESPONSE TO CANDIDATE'S MOTION TO STRIKE**

**INTRODUCTION**

**KENNETH P. ZUREK** (hereinafter "Objector") responds to **ANGELO "SKIP" SAVIANO'S** (hereinafter "Candidate") Motion to Strike and states as follows:

Objector's Petition is made and based on two grounds:

1. A pattern of fraud, false swearing, disregard of the Election Code and illegality that invalids Candidate's Nomination Papers in their entirety; and
2. That Candidate is not a qualified primary voter of the Republican Party as a direct consequence of his affiliation with the Democratic Party of Leyden Township by and through his support for and his association with the Democratic Committeeman of Leyden Township Barrett Pedersen.

I.

**PATTERN OF FRAUD, FALSE SWEARING, DISREGARD OF THE ELECTION CODE,  
AND ILLEGALITY THAT COMPROMISES THE INTEGRITY OF THE ENTIRE PETITION  
AND USURPS THE DEMOCRATIC PROCESS**

Objector alleges in part as follow:

The Nomination Papers contain petition sheets of circulators  
William S. Ryan, John P. Lagioia Jr., Randall Petersen, and

Joseph Lauro which evidence a pattern of fraud and false swearing invalidating all their petition sheets in that their circulators affidavits were false, untrue, and perjurious because they swore that the persons signing the petitions on behalf of Terry Gallagher were qualified voters of the Democratic Party and also then executed circulators affidavits on behalf of Angelo "Skip" Saviano that the very same persons were qualified voters of the Republican Party. Petition p. 2, ¶5.

10 ILCS 5/10-4 provides in pertinent part: that no person shall circulate or certify petitions for candidates of more than one political party . . . to be voted upon at the next primary or general election. The State of Illinois Candidate's Guide for 2012 issued by the State Board of Elections clearly and unequivocally states: "**A petition circulator may not circulate for more than one political party.**" State of Illinois Candidates Guide 2012, p. 5, 2(c). The Election Code expressly provides: **A "qualified primary elector" of a party may not sign petitions for or be a candidate in the primary of more than one party.** 10 ILCS 5/7-10. The 2012 State of Illinois Candidates Guide expressly provides: "A signer **MAY NOT** sign petitions for a candidate of more than one political party for the same Primary Election. State of Illinois Candidates Guide 2012, p. 6, 3(a). As can be seen the Candidate's Guide for 2012 gave advance warning to prospective candidates of what conduct was prohibited. Party-switching restrictions are an important protection in the electoral process. *Hossfeld v. State Board of Elections, et al*, 238 Ill. 2d 418, 427 (2010).

Importantly, what we have here is much more egregious and nefarious than prohibited dual circulation and multiple petition signing ("party switching"). In the instant case we have **contemporaneous** circulation and petition signing which demonstrates a pattern of fraud and false swearing which invalids the Nomination Papers of Candidate in their entirety under *Cantor v. Cook County Officers Electoral Board*, 170 Ill.App.3<sup>rd</sup> 364 (1<sup>st</sup> Dist. 1988) and the Rules of Procedure adopted by the State Board of Election. Rules of Procedure A-11, ¶3 and A-14 B Ineligible Circulator. We have here four circulators who had in their possession the petitions sheets for Republican candidate Angelo "Skip" Saviano and that for Democratic candidate Terry Gallagher. They went door to door handed the petition sheet for Savivano or Gallagher to the signatory had that person sign the petition for Saviano or Gallagher then handed the petition sheet for Gallagher or Saviano to the same signatory then had that person sign the petition sheet for Gallagher or Saviano. Then these four circulators executed circulators affidavits on

the petition sheets for Saviano and for Gallagher subject to the penalty of perjury which affirmed that in the case of Saviano that the signers were "Republicans" then in the case of Gallagher affirmed that the same signers were "Democrats".

10 ILCS 5/29-10 Perjury provides

(a) Any person who makes a false statement, material to the issue or point in question, which he does not believe to be true, in any affidavit, certificate or sworn oral declaration required by any provision of this Code shall be guilty of a Class 3 felony.

The four circulators on the petition sheets for Democrat Terry Gallagher have sworn that to the best of their knowledge and belief the persons (the persons who also signed for Angelo "Skip" Saviano) so signing were at the time of signing the petition qualified voters of the DEMOCRATIC PARTY. The four circulators on the petition sheets for Republican Angelo "Skip" Saviano have sworn that to the best of their knowledge and belief the persons (the persons who also signed for Democrat Terry Gallagher) so signing were at the time of signing the petition qualified voters of the REPUBLICAN PARTY. The problem with the circulator's affidavits of Randy Petersen, Joseph Lauro, John P. LaGioia, Sr., and William S. Ryan are that they are untrue, false, and perjurious as follows.

Randy Petersen and his wife signed the petition for Terry Gallagher. See Exhibit 1, Sheet 100, Ln. 1 and Ln. 7. Randy Petersen and his wife signed the petition for Angelo "Skip" Saviano. See Exhibit 2, Sheet 111, Ln. 1 and Ln. 7. The persons who signed lines 2 thru 6 and lines 8 thru 10 of the petition sheet 100 for Terry Gallagher are the same persons who signed the petition sheet 111 lines 2 thru 6 and lines 8 thru 10 for Angelo "Skip" Saviano. Both petition sheets were notarized on October 30, 2011 by Francis Griebshamer. Unquestionably, Randy Petersen when he signed the circulator's affidavits for Gallagher and Saviano made a false statement, i.e. that the very same persons were both qualified voters of the Democratic Party as well as qualified votes of the Republican Party, material to the issue or point in question, which he did not and could not believe to be true. Thereby, Randy Petersen committed perjury.

Joseph Lauro executed on October 30, 2011 circulator's affidavits on petition sheets 78, 79, 80, 81, 90, and 91 for Terry Gallagher. Exhibit 1. Joseph Lauro executed on October 30, 2011 circulator's affidavits on petition sheets 59, 62, 65, 70, 76, 79 and 130 for Angelo "Skip" Saviano. Exhibit 2. Both the petitions sheets for Terry Gallagher as well as those for Angelo "Skip" Saviano were notarized by Francis Griebshamer.

The persons who signed the petition sheet 78 lines 1 thru 10 for Terry Gallagher are the same persons as signed the petition sheet 79 lines 1 thru 9 and sheet 70 line 9 for Saviano. The persons who signed the petition sheet 79 lines 1 thru 10 for Terry Gallagher are the same persons in the same order as signed the petition sheet 130 for Saviano lines 1 thru 10. The persons who signed the petition sheet 80 lines 1 thru 10 for Terry Gallagher are the same persons as signed the petition sheet 70 lines 1 thru 7 and sheet 76 lines 8 thru 10 for Saviano. The persons who signed the petition sheet 81 lines 1 thru 5 and line 10 for Terry Gallagher are the same persons as signed the petition sheet 76 lines 1 thru 5 and sheet 70 line 8 for Saviano. The persons who signed the petition sheet 90 line 1 and lines 3 thru 10 for Terry Gallagher are the same persons as signed the petition sheet 62 lines 1, sheet 70 line 10, sheet 62 lines 2 thru 7 and sheet 59 line 10 for Saviano. The persons who signed the petition sheet 91 lines 1 thru 10 for Terry Gallagher are the same persons as signed the petition sheet 65 lines 1 thru 9 and sheet 79 line 10 for Saviano.

Unquestionably, Joseph Lauro when he signed the circulator's affidavits for Gallagher and Saviano made a false statement, *i.e.* that the very same persons were both qualified voters of the Democratic Party as well as qualified votes of the Republican Party, material to the issue or point in question, which he did not and could not believe to be true. Thereby, Joseph Lauro committed perjury.

John P. LaGioia, Sr. executed on November 2, 2011 a circulator's affidavit on petition sheet 67 for Terry Gallagher. Exhibit 1. John P. LaGioia, Sr. executed on November 2, 2011 a circulator's affidavit on petition sheet 24 for Angelo "Skip" Saviano. Exhibit 2. Both were notarized by Francis Grieshamer. The persons who signed the petition sheet lines 1 thru 10 for Terry Gallagher are the same persons in the same order as signed the petition sheet for Saviano lines 1 thru 10. Unquestionably, John P. LaGioia, Sr. when he signed the circulator's affidavits for Gallagher and Saviano made a false statement, *i.e.* that the very same persons were both qualified voters of the Democratic Party as well as qualified votes of the Republican Party, material to the issue or point in question, which he did not and could not believe to be true. Thereby, John P. LaGioia, Sr. committed perjury.

William S. Ryan executed on November 5, 2011 a circulator's affidavit on petition sheet 65 for Terry Gallagher. Exhibit 1. William S. Ryan executed on November 5, 2011 a circulator's affidavit on petition sheets 61 and 78 for Angelo "Skip" Saviano. Exhibit 2. All sheets were



notarized by Francis Griebshamer. The persons who signed the petition sheet lines 1 thru 10 for Terry Gallagher are the same persons in the same order as signed the petition sheets for Saviano sheet 61 lines 1 thru 3 and lines 5 thru 10 and sheet 78 line 1. Unquestionably, William S. Ryan when he signed the circulator's affidavits for Gallagher and Saviano made a false statement, i.e. that the very same persons were both qualified voters of the Democratic Party as well as qualified votes of the Republican Party, material to the issue or point in question, which he did not and could not believe to be true. Thereby William S. Ryan committed perjury.

10 ILCS 5/29-12 Disregard of Election Code provides:

Except with respect to Article 9 of this Code, any person who knowingly (a) does any act prohibited by or declared unlawful by, or (b) fails to do any act required by, this Code, shall, unless a different punishment is prescribed by this Code, be guilty of a Class A misdemeanor.

Randy Petersen is a current trustee of the Village of Franklin Park, Barrett Pedersen's handpicked candidate for trustee of the Village of Franklin Park, the former retired police chief of the Village of Franklin Park, and a purported precinct captain of Barrett Pedersen the Mayor of Franklin Park.

Joseph Lauro is the Department Head of the Streets, Water, and Sewer Department of the Village of Franklin Park, a political appointee to that position by Mayor Pedersen, and a purported precinct captain of Barrett Pedersen.

John P. LaGioia, Sr. is a purported precinct captain for Barrett Pedersen.

William S. Ryan is a purported precinct captain for Barrett Pedersen.

Randy Petersen, Joseph Lauro, John P. LaGioia, Sr., and William S. Ryan as can be seen are experienced political operatives who when they circulated petitions for Republican candidate Angelo "Skip" Saviano and for Democratic Candidate Terry Gallagher and had the same persons sign both petition sheets contemporaneously as Democrats and as Republicans knew or should have known what they were doing was wrong. Pursuant to 10 ILCS 5/29-12 then Randy Petersen, Joseph Lauro, John P. LaGioia, Sr., and William S. Ryan have committed a Class A misdemeanor.

5 ILCS 312/7-104) Official Misconduct Defined provides:

The term "official misconduct" generally means the wrongful exercise of a power or the wrongful performance of a duty and is fully defined in Section 33-3 of the Criminal Code of 1961. The term "wrongful" as used in the definition

of official misconduct means unauthorized, unlawful, abusive, negligent, reckless, or injurious.

5 ILCS 312/7-105 Official Misconduct provides:

- (a) A notary public who knowingly and willfully commits any official misconduct is guilty of a Class A misdemeanor.
- (b) A notary public who recklessly or negligently commits any official misconduct is guilty of a Class B misdemeanor.

Francis Grieshamer is the Treasurer of the Village of Franklin Park, a political appointee to that position by Mayor Barrett Pedersen, a trustee of the Franklin Park Public Library, on the Franklin Park Zoning Board of Appeals appointed thereto by Barrett Pedersen, the Chairman of the political action committee "Friends of Barrett E. Pedersen", the Treasurer of the political committee the Democratic Party of Leyden Township, the campaign manager of Barrett Pedersen's campaign when he ran for Mayor of the Village Franklin Park, and Barrett Pedersen's long time key political operative and "henchman." Barrett Pedersen is the Mayor of Franklin Park, the Democratic Committeeman of Leyden Township, and an attorney licensed to practice law in Illinois.

Francis Grieshamer when he notarized the false, untrue and perjurious circulator's affidavit of Randy Petersen, Joseph Lauro, John P. LaGioia, Sr., and William S. Ryan for both Gallagher and Saviano knowingly and willfully committed official misconducts as his design and intent was to defeat the Illinois Election Code and perpetrate a fraud on the voters and usurp the democratic process.

The above described pattern of fraud, false swearing, disregard of the Election Code and illegally calls into question the integrity of the Nomination Papers of Candidate to the extent that the Board should find them invalid in their entirety to protect the integrity of the electoral process and the integrity of the ballot in the March 20, 2012 primary election.

## II.

### CANDIDATE'S AFFILIATION WITH THE DEMOCRATIC PARTY PRECLUDES HIM FROM BEING A DULY QUALIFIED PRIMARY VOTER OF THE REPUBLICAN PARTY

Objector alleges in part as follow:

The Nomination Papers do not truthfully allege and set forth the qualifications of the candidate in the following ways:

- (a) that Saviano is a Republican in name only;

- (b) that Saviano being a "Republican" is a fiction created to hide from the voters and the Democratic process his true affiliation which is Democratic;
- (c) that Saviano has given money and support to the Democratic Committeeman of Leyden Township Barrett Pedersen;
- (d) that Saviano has endorsed the Democratic Committeeman of Leyden Township Barrett Pedersen over the Republican Daniel Pritchett;
- (e) that Saviano has refused to endorse the Republican Daniel Pritchett for office but instead endorsed Barrett Pedersen the Democratic Committeeman of Leyden Township; and
- (f) that Democratic precinct captains of Barrett Pedersen have circulated Saviano's Nomination Papers. Petition p. 3, ¶7.

Candidate contends that the allegations of paragraph 7 should be stricken for the reason that they fail to allege facts, which if true, would invalidate the Candidate's Nomination Papers. Motion p. 3, ¶8. Particularly that "No allegation is made that the Candidate fails to meet the statutory requirement that he is a qualified primary elector of the Republican Party." Motion p.2, ¶5(d). While it is correct that Objector did not use the magic words "qualified primary elector of the Republican Party" in his Objector's Petition all Objector was required to do under the Election Code was to fully state the nature of his objection. 10 ILCS 5/10-8. As can be seen above he has met this initial burden as set out above.

The conduct of Candidate deprives the voters of the right to assert their preferences for the candidates of their party the Republican Party. Voters have a constitutional right to be given the opportunity to exercise an effective choice. If Candidate is placed on the ballot it would deny them that right. In other words, Candidate is not a "qualified" primary elector of the Republican Party as Candidate is aligned and affiliated with Barrett Pedersen the Democratic Committeeman of Leyden Township and the Democratic Party of Leyden Township.

### III.

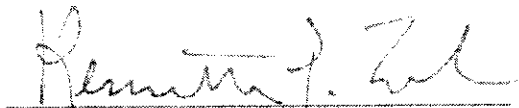
#### CONCLUSION

**WHEREFORE**, the Objector, Kenneth P. Zurek, respectfully requests that the Candidates Motion to Strike be **DENIED** in its entirety, a hearing on the objections set forth herein, an

examination of the official records relating to voters in the 77th Representative District of Illinois to the extent that such examination is pertinent to any of the matters alleged herein, a ruling that the Nomination Papers of Angelo "Skip" Saviano are insufficient in law and fact, and a ruling that the name of Angelo "Skip" Saviano should not appear on the official Republican Primary ballot for the office of Representative in the Illinois General Assembly 77th Representative District, to be voted at the General Primary Election to be held on March 20, 2012.

Dated: December 27, 2011.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kenneth P. Zurek", written over a horizontal line.

Kenneth P. Zurek, Objector *pro se*

3229 George Street  
Franklin Park, IL 60131

847-529-8431

IN THE MATTER OF:	)	
	)	
KENNETH P. ZUREK,	)	
	)	
Objector,	)	
	)	
versus	)	NO. 11SOEBGP501
	)	
ANGELO "SKIP" SAVIANO,	)	Hearing Officer Philip Krasny
	)	
Candidate.	)	

**CANDIDATE'S REPLY TO OBJECTOR'S RESPONSE TO**  
**CANDIDATE'S MOTION TO STRIKE**

NOW COMES THE CANDIDATE, ANGELO "SKIP" SAVIANO, by Andrew M. Raucci, his attorney, and in reply to the Objector's Response to Candidate's Motion to Strike, he states:

1. While Objector has cited to various Election Code and criminal statutes, he has failed to demonstrate that the Verified Objector's Petition contains allegations, which if true, would invalidate the nominating petition.

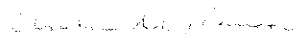
2. Even if his allegations of "fraud" committed by certain circulators were true, only 107 signatures out of 1,500 submitted would be disqualified. Candidate would still have in 1,393 valid signatures, or 843 above the statutory minimum of 500.

3. Objector has not alleged any facts, which if true, would show that the Candidate is not qualified to be a candidate for the Republican nomination for the office sought. And while Objector states that "all Objector was required to do under the Election Code was to fully state the nature of his objection" he has failed to allege a valid objection.

4. Objector now, in his Response, for the first time alleges that the Candidate is not a "qualified primary elector" of the Republican Party. Whatever previous limitations

were imposed on Candidate's political affiliations, the recent Supreme Court decision of *Hossfeld v. State Board of Elections*, 238 Ill.2d 418, 939 N.E.2d 368 (2010) has pronounced that there is no time restriction or "lock-out" on changes in party affiliation. Of course, even before *Hossfeld*, supporting candidates of another party (or failing to support candidates of one's own party) was not a sin disqualifying one from being a member of the party.

Wherefore, your Objector prays the Electoral Board to strike and dismiss the Verified Objector's Petition, and to enter an Order declaring that the name of ANGELO "SKIP" SAVIANO be printed upon the Republican Primary Ballot as a candidate for nomination of the Republican Party for the office of Representative in the General Assembly for the 77<sup>th</sup> Representative District to be voted upon at the Primary Election to be held on March 20, 2012.



---

**ANDREW M. RAUCCI**

ANDREW M. RAUCCI  
Attorney for Candidate  
3000 North Sheridan Road  
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Chicago, IL 60657-5580  
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NOTICE OF FILING

TO:

Philip Krasny  
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State Board of Elections  
1 North LaSalle Street, Suite 2300  
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Steven Sandvoss  
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State Board of Elections  
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P. O. Box 4187  
Springfield, IL 62704  
[ssandvoss@elections.il.gov](mailto:ssandvoss@elections.il.gov)

PLEASE TAKE NOTICE that on December 29, 2011, I filed with the State Officers Electoral Board the following document:

**CANDIDATE'S REPLY TO OBJECTOR'S RESPONSE TO**  
**CANDIDATE'S MOTION TO STRIKE**

*Andrew M. Raucci*

---

Attorney for Candidate

ANDREW M. RAUCCI  
Attorney for Candidate  
3000 North Sheridan Road, Suite 18C  
Chicago, Illinois 60657  
Ph. 312/203-2700  
Fax 773/348-3524  
Email [ilobby30n@aol.com](mailto:ilobby30n@aol.com)

The undersigned, an attorney, certifies that he served the above and foregoing Notice of Filing and the document referenced therein on the parties to whom it was directed, on December 29, 2011, before the hour of 5:00 p.m., by email to the email addresses shown.

*Andrew M. Raucci*

---

Attorney for Candidate

**McSweeney v. Rowe**  
**11 SOEB GP 503**

**Candidate:** Danielle Rowe

**Office:** State Representative, 52<sup>nd</sup> Dist.

**Party:** Republican

**Objector:** David McSweeney

**Attorney For Objector:** Richard Means

**Attorney For Candidate:** Laura Jacksack, Christine Svenson

**Number of Signatures Required:** 500

**Number of Signatures Submitted:** 997

**Number of Signatures Objected to:** 529

**Basis of Objection:** The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete," "Signer Signed Petition More than Once," "Signer's Address So Incomplete or Illegible as to Prevent Checking," and that certain signers were not qualified to sign Candidate's petition because they previously signed a petition for an opposing candidate.

**Dispositive Motions:** Candidate's Rule 9 Motion

**Binder Check Necessary:** Yes

**Hearing Officer:** Barbara Goodman

**Hearing Officer Findings and Recommendation:** A records examination commenced and was completed on December 30, 2011. Both parties were present at the records examination. The examiners ruled on objections to 997 signatures. 327 objections were sustained leaving 670 valid signatures, which is 170 signatures more than the required minimum number of signatures. Accordingly, the Hearing Officer recommends that the objection be overruled based on the results of the records examination and that Danielle Rowe be certified for the ballot as a Republican candidate for the office of Representative for the 52<sup>nd</sup> Representative District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

**Recommendation of the General Counsel:** I concur with the Recommendation of the Hearing Officer.



BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD

David McSweeney	)	
	)	
Objector	)	
	)	
-v-	)	11 SOEB GP 503
	)	(related case GP 513)
Danielle Rowe	)	
	)	
Candidate	)	

**HEARING OFFICER'S REPORT AND RECOMMENDED DECISION**

This matter was first heard on December 20, 2011 and assigned to this Hearing Officer. A case management conference was held on said date. The Objector appeared through counsel Richard Means and the candidate appeared through counsel Laura Jacksack and counsel Christine Svenson.

The parties were given the opportunity to file preliminary motions. Neither party submitted preliminary motions. The matter was set for further hearing.

The objections concerned allegations regarding the sufficiency of the signatures contained in the nominating papers and required a records examination. A records examination was conducted and the results were as follows:

- A. The minimum number of valid signatures required by law for placement on the ballot for the office in question is 500.
- B. The number of purportedly valid signatures appearing on the nominating petition filed by the Candidate total 997.
- C. The number of signatures deemed invalid because of objections sustained in the records examination total 327.
- D. The remaining number of signatures deemed valid as a result of the records examination total 670.

The results of the records examination established that the candidate had 170 signatures more than the required number of signatures for placement on the ballot. At

a further hearing held subsequent to the records examination, counsel for the Objector indicated that he would not be submitting a Motion pursuant to Rule 9 of the Board's Rules of Procedure and, further, that he rested his case.<sup>1</sup>

### **RECOMMENDATION**

In light of the foregoing, it is my recommendation that the objections of David McSweeney be **overruled** in conformity with the results of the records examination. It is my further recommendation that the nominating papers of candidate Danielle Rowe be deemed **valid** and that the name of candidate Danielle Rowe for the Republican nomination to the office of Representative in the 52nd Representative District **be** printed on the ballot at the March 20, 2012 General Primary Election.

Respectfully submitted,

*Barbara Goodman /s/*  
Barbara Goodman  
Hearing Officer  
1/4/12

---

<sup>1</sup> On January 4, 2012, the Candidate filed a Motion pursuant to Rule 9 of the Board's Rules of Procedure. In light of the results of the records examination and no Rule 9 filing by the Objector, the Motion is now moot.

State of Illinois       )  
                                  ) SS.  
County of Cook        )

**Before the Duly Constituted Electoral Board for the Hearing and  
Passing Upon of Objections to Nomination Papers of Candidates for  
the Nomination of the Republican Party for the Office of  
Representative in the General Assembly for the 52<sup>nd</sup> Representative  
District of the State of Illinois**

**Objections of David McSweeney to the Nomination Papers of Danielle  
Rowe for the Republican Party Nomination for the Office of  
Representative in the General Assembly for the 52<sup>nd</sup> Representative  
District of the State of Illinois, to be voted for at the General Primary  
Election to be Held on March 20, 2012**

**Verified Objector's Petition**

David McSweeney, residing and registered to vote at 8 Hubbell Court, in the Village of Barrington Hills, County of Cook, State of Illinois (hereinafter referred to as "Objector") states that the Objector's address is as stated, that the Objector is a legal voter of the 52<sup>nd</sup> Representative District of the State of Illinois, and that the Objector's interest in filing the following objections is that of a citizen desirous of seeing that the election laws governing the filing of nomination papers for the nomination of the Republican Party for the office of Representative in the General Assembly for the 52<sup>nd</sup> Representative District of the State of Illinois, are properly complied with. Therefore, the Objector makes the following objections to the nomination papers of Danielle

2012 MAR 20 11:11 AM

124 11:11 AM

0070110

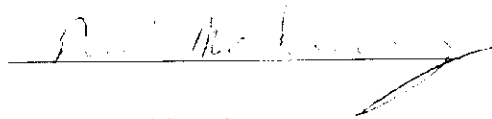
Rowe as a candidate for the Republican Party nomination for the office of Representative in the General Assembly for the 52<sup>nd</sup> Representative District of the State of Illinois, to be voted for at the General Primary Election to be held on March 20, 2012 (hereinafter referred to as the "Nomination Papers").

The Objector states that said Nomination Papers are insufficient in fact and law for the following reasons:

1. Pursuant to Illinois law, nomination papers for the nomination of the Republican Party for the office of Representative in the General Assembly for the 52<sup>nd</sup> Representative District of the State of Illinois, to be voted for at the General Primary Election to be held on March 20, 2012, must contain the true signatures of not fewer than 500, nor more than 1500, qualified and duly registered legal voters of the Republican Party for the 52<sup>nd</sup> Representative District of the State of Illinois. In addition, said Nomination Papers must truthfully allege that the candidate is qualified for the office he seeks, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise must be executed in the form provided by law. The Nomination Papers herein purport to contain the signatures of approximately 997 of such voters, and further purport to truthfully allege that the candidate is qualified for the office she seeks and purport to have been gathered, presented and executed in the manner required by the Illinois Election Code.
2. The Nomination Papers contain the names of persons, as petitioners, who are not duly registered as voters at the addresses shown opposite their respective names, as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, under the heading, Column A., "Signer not registered at address shown," in violation of the Illinois Election Code and therefore all such signatures are invalid.
3. The Nomination Papers contain the names of persons, as petitioners, who, at all times relevant hereto, did not reside within the boundaries of the 52<sup>nd</sup> Representative District of the State of Illinois, as is shown by the address written on the petition sheet and as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, under the heading, Column B., "Signer resides outside district," in violation of the Illinois Election Code and therefore all such signatures are invalid.

4. The Nomination Papers contain the names of persons, as petitioners, who did not sign said papers in their own proper persons, and said entries are not the genuine signatures of the registered voters indicated as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, under the heading, Column C, "Signer's signature not genuine," in violation of the Illinois Election Code and therefore all such signatures are invalid.
5. The Nomination Papers contain the names of persons, as petitioners, who have signed the Nomination Papers more than one time as is set forth specifically in Appendix A., attached hereto and incorporated herein, under the heading, Column D, "Signer's name listed more than once" [with a reference showing the sheet and line number (<sup>S</sup>/<sub>1</sub>) of additional listings] in violation of the Illinois Election Code and therefore only one of such multiple signatures is valid.
6. The Nomination Papers contain the names of persons, as signers, for whom the address appearing opposite said names is so incomplete or illegible as to render impossible the inquiry into whether such persons are registered voters within the 52<sup>nd</sup> Representative District of the State of Illinois as is set forth specifically in Appendix A. attached hereto and incorporated herein, under the heading Column P., "Signer's address so incomplete or illegible as to prevent checking," in violation of the Illinois Election Code and therefore all such signatures on such petition sheets are invalid.
7. The Nomination Papers contain the names of persons, as petitioners, who were not qualified to sign the petition of this candidate because they previously signed a petition for an opposing candidate (as is more specifically alleged in Appendix B., attached hereto and incorporated herein, in violation of Illinois Election Code and therefore all such signatures are invalid.
8. Because the Nomination Papers contain fewer than the statutory minimum number of 500 validly collected and presented signatures of qualified and duly registered legal voters of the Republican Party of the 52<sup>nd</sup> Representative District of the State of Illinois, signed by such voters in their own proper person with proper addresses, as alleged above and as is set forth specifically (with an X or check mark) in Appendix A., attached hereto and incorporated herein, the Nomination Papers are invalid in their entirety.

**Wherefore**, the Objector requests a hearing on the Objections set forth herein, an examination by the aforesaid Electoral Board (or its duly appointed agent or agents) of the official precinct registers and binders relating to voters in the 52<sup>nd</sup> Representative District of the State of Illinois, (to the extent that such examination is pertinent to any of the matters alleged herein), a ruling that the Nomination Papers are insufficient in law and fact, and a ruling that the name of Danielle Rowe **shall not appear** on the ballot for the nomination of the Republican Party for the office of Representative in the General Assembly for the 52<sup>nd</sup> Representative District of the State of Illinois, to be voted for at the General Primary Election to be held on March 20, 2012.

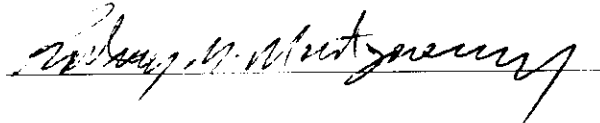


David McSweeney

Objector

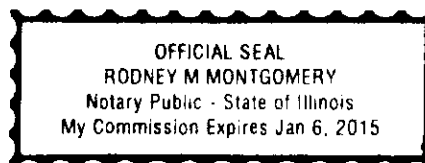
Subscribed and sworn to before me by David McSweeney

this 12 day of December, 2011.



NOTARY PUBLIC

(SEAL)



Objections prepared: December 11, 2011

Richard K. Means  
Attorney for the Objector  
806 Fair Oaks Avenue  
Oak Park, Illinois 60302

Telephone: (708) 386-1122  
Facsimile: (708) 383-2987  
Email: rmeans@richardmeans.com  
Cook County Attorney # 27351  
ARDC Attorney #01874098

**Young v. Jacobs**  
**11 SOEB GP 504**

**Candidate:** Gregory S. Jacobs

**Office:** State Senate, 30<sup>th</sup> Dist.

**Party:** Republican

**Objector:** Kimberlee Young

**Attorney For Objector:** David Zipp

**Attorney For Candidate:** none

**Number of Signatures Required:** 500

**Number of Signatures Submitted:** 443

**Number of Signatures Objected to:**

**Basis of Objection:** Candidate's nomination papers contain an insufficient amount of signatures.

**Dispositive Motions:**

**Binder Check Necessary:** No

**Hearing Officer:** Jim Tenuto

**Hearing Officer Findings and Recommendation:** The Candidate filed nominating petitions having a maximum of 480 valid signature spaces (32 pages x 15 lines per page = 480 signatures). Many pages contained less than 15 signatures and candidate filed approximately 443 signatures as counted by the Hearing Officer. The minimum number of signatures required to appear on the ballot at the General Primary Election as an established party candidate for the office of State Senator is 1000; therefore, the Candidate submitted at least 557 signatures less than the minimum signature requirement. Based on the Candidate submitting nominating petitions containing less than the minimum number of 1000 signatures, the Objector's Motion for Summary Judgment should be granted. The Hearing Officer further recommends that Gregory S. Jacobs not be certified for the ballot as candidate for the office of State Senator in the 30<sup>th</sup> Legislative District in the Republican Primary Election to be held on March 20, 2012.

**Recommendation of the General Counsel:** I concur with the Recommendation of the Hearing Officer.

**BEFORE THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS**

Kimberly Young,	)	
Petitioner/Objector,	)	
	)	
	)	11 SOEB GP 504
v.	)	
	)	
Gregory S. Jacobs,	)	
Respondent/Candidate.	)	

**RECOMMENDATION OF THE HEARING EXAMINER  
TO THE GENERAL COUNSEL**

TO: David Zipp, Objector's Attorney;  
Gregory S. Jacobs, Candidate;  
Steve Sandvoss, General Counsel, State Board of Elections

**ANALYSIS**

1. Candidate Gregory S. Jacobs timely filed on December 5, 2011, nominating petitions for the Office of the State Senator in the 30<sup>th</sup> Legislative District in the Republican Primary Election to be held on March 20, 2012.
2. The minimum signature requirement for a candidate filing nominating petitions for the Office of State Senator is not fewer than 1,000 duly qualified registered and legal voters of said district.
3. The Objector timely filed an Objection to the nominating petitions submitted by Gregory S. Jacobs.
4. The basis of the Objection is that the Candidate submitted less than the minimum number of signatures required for this particular office.
5. The Candidate was served by certified mail and signed a green card with what appears to be his signature dated December 16, 2011.



6. A Case Management Conference was held on December 20, 2011, in the branch office of the State Board of Elections. David Zipp filed an Appearance on behalf of the Objector. Neither the Candidate nor an attorney representing the Candidate filed an Appearance or otherwise appeared on behalf of the Candidate.

7. The Objector timely filed a Motion for Summary Judgment on December 21, 2011.

8. The deadline for the Candidate to respond to Objector's Motion for Summary Judgment was December 27, 2011.

9. The Candidate did not file a Response to the Objector's Motion for Summary Judgment.

10. The Candidate has had no contact with the Hearing Examiner or any employee of the State Board of Elections.

### **DISCUSSION**

1. The Candidate filed a maximum number of 480 valid signatures (32 pages x 15 lines per page = 480 signatures). This was determined by a cursory examination of the nominating petitions by the Hearing Examiner. (Some pages contain less than 15 signatures. The Candidate submitted approximately 443 signatures as counted by the Hearing Examiner).

2. The minimum number of valid signatures to appear on the ballot as an established party candidate at the General Primary Election for the Office of State Senator is 1,000.

3. The candidate submitted nominating petitions which contain at least 557 signatures below the minimum.

4. Based on the Candidate submitting nominating petitions containing less than the minimum number of 1,000 signatures, the Objector's Motion for Summary should be granted.

### RECOMMENDATION

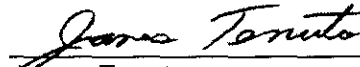
It is the Recommendation of the Hearing Examiner that Objector's Motion for Summary Judgment be GRANTED for the reasons set forth above.

Accordingly, the name Gregory S. Jacobs as Candidate for the Office of State Senator in the 30<sup>th</sup> Legislative District in the Republican Primary Election to be held on March 20, 2012, shall not be printed on the ballot.

This is a dispositive Motion which must be ruled upon by the State Officers Electoral Board.

DATED: December 30, 2011

Respectfully Submitted,



James Tenuto  
Hearing Examiner

James Tenuto, Hearing Examiner  
State Board of Elections  
James R. Thompson Center, Suite 14-100  
100 West Randolph Street  
Chicago, IL 60601  
(312) 814-6440

### CERTIFICATE OF SERVICE

The undersigned certifies that he served the Recommendation of the Hearing Examiner to the General Counsel to the following parties by the methods set forth opposite the name on December 30, 2011.

Steve Sandvoss, General Counsel  
State Board of Elections

via Email: [ssandvoss@elections.il.gov](mailto:ssandvoss@elections.il.gov)

Ken Menzel,  
Deputy General Counsel, SBE

via Email: [kmenzel@elections.il.gov](mailto:kmenzel@elections.il.gov)

Bernadette Harrington,  
Legal Counsel, SBE

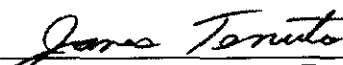
via Email: [bharrington@elections.il.gov](mailto:bharrington@elections.il.gov)

David Zipp  
Attorney for Objector

via Email: [DavidZipp@lawyer.com](mailto:DavidZipp@lawyer.com)

Gregory s. Jacobs  
Candidate

via U.S. Mail: 227 N. Shaddle Avenue  
Mundelein, IL 60060

  
James Tenuto, Hearing Examiner

1 STATE OF ILLINOIS            )  
2                                    ) ss.  
3 COUNTY OF LAKE            )  
4  
5 BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND PASSING UPON  
6 OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR THE OFFICE OF STATE  
7 SENATOR OF THE STATE OF ILLINOIS.  
8  
9 IN THE MATTER OF THE OBJECTIONS TO        )  
10 THE NOMINATION PAPERS OF GREGORY S.        )  
11 JACOBS OF 227 N. SHADDLE AVE.,            )  
12 MUNDELEIN, IL 60060, COUNTY OF LAKE,        )  
13 AS A PROPOSED CANDIDATE FOR                )  
14 NOMINATION OF THE REPUBLICAN PARTY        )  
15 TO THE OFFICE OF STATE SENATOR FOR        )  
16 THE THIRTIETH (30<sup>TH</sup>) DISTRICT OF THE        )  
17 STATE OF ILLINOIS TO BE VOTED ON AT        )  
18 THE MARCH 20, 2012 GENERAL PRIMARY        )  
19 ELECTION.                                        )  
20

FILED  
MAR 20 2012  
CLERK OF THE CIRCUIT COURT  
JANUARY 11 2012

21 VERIFIED OBJECTOR'S PETITION

22 NOW COMES, Kimberlee Young, (hereinafter referred to as the "Objector,") and respectfully represents that  
23 Objector resides at 272 S. Old Creek Rd., Vernon Hills, in the State of Illinois; that Objector is a duly qualified,  
24 registered, and legal voter at such address; that Objector's interest in filing the following objections is that of a  
25 citizen desirous of seeing to it that the laws governing the filing of nomination papers for nomination of the  
26 Republican Party to the office of State Senator for the Thirtieth District of the State of Illinois are properly  
27 complied with and that only qualified candidates have their names on the ballot as candidates for said office;  
28 and therefore your Objector makes the following objections to the nomination papers of Gregory S. Jacobs,  
29 (hereinafter referred to as the "Candidate,") as a proposed candidate for nomination of the Republican Party to  
30 the office of State Senator for the Thirtieth District of the State of Illinois, and files the same herewith, and  
31 states that the said nomination papers are insufficient in law and in fact for the following reasons:

1. Your Objector states that relevant law in this matter is ILCS 5-8/8 which denotes in relevant part "*All petitions for nomination for the office of State Senator shall be signed by at least 1,000 but not more than 3,000 of the qualified primary electors of the candidate's party in his legislative district.*" Further this requirement is further explained and conveyed on page fifty-three (53) of the 2012 Candidates Guide as amended October 6, 2011 (which can be accessed here: <http://www.sos.state.il.us/PDF/2012%20Candidates%20Guide.pdf>), which states that in the State of Illinois, an individual seeking to be listed as a candidate for the office of State Senator on the Illinois Republican Party Primary Ballot must properly submit to the proper electoral authorities signatures of not less than one thousand (1,000) duly qualified, registered, and legal voters of his legislative district. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.
2. Your Objector states that the Candidate has filed thirty-two (32) petition signature sheets containing a total of 457 signatures of allegedly duly qualified, registered, and legal voters of the subject district in the State of Illinois.

1  
2 3. Your Objector states that the nomination papers filed for the Candidate contain 543 fewer than the  
3 statutory minimum number of valid signatures and are therefore insufficient as a matter of law.

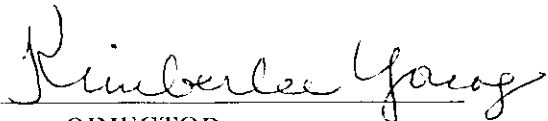
4 WHEREFORE, your Objector prays that the purported nomination papers of Gregory S. Jacobs as a  
5 proposed candidate for nomination of the Republican Party to the office of State Senator for the  
6 Thirtieth (30<sup>th</sup>) District of the State of Illinois, be declared by this Honorable Electoral Board to be  
7 insufficient and not in compliance with the laws of the State of Illinois and that the candidate's name be  
8 stricken and that this Honorable Electoral Board enter its decision declaring that the name of Gregory S.  
9 Jacobs as a candidate for nomination of the Republican Party to the office of State Senator for the  
10 Thirtieth (30<sup>th</sup>) District of the State of Illinois, BE NOT PRINTED on the OFFICIAL BALLOT for the  
11 Republican Party at the General Primary Election to be held on March 20, 2012.

12  
13 

14 OBJECTOR  
15 Kimberlee Young  
16 272 S. Old Creek Rd.  
17 Vernon Hills, IL 60061  
18

1 VERIFICATION

2 The undersigned as Objector, first being duly sworn on oath, now deposes and says that (s)he has read this  
3 VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters  
4 therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that  
5 he verily believes the same to be true and correct.

6 

8 OBJECTOR

9 Kimberlee Young

10 272 S. Old Creek Rd.

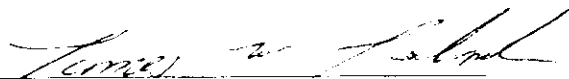
11 Vernon Hills, IL 60061

12  
13 STATE OF ILLINOIS )

14 ) ss.

15 COUNTY OF LAKE )

16  
17 Subscribed to and sworn before me, a Notary Public, by Kimberlee Young, the Objector, on this the 12th day of  
18 December, 2011 at Buffalo Grove, Illinois.

19  
20 

(notary seal)

22 NOTARY PUBLIC

23  
24 My Commission expires June 02, 2012.

**Montgomery/Williams v. Mahon**  
**11 SOEB GP 519**

**Candidate:** Patricia "Pat" Mahon

**Office:** State Senator, 15<sup>th</sup> Dist.

**Party:** Democrat

**Objector:** Dante Montgomery, Yashika Williams

**Attorney For Objector:** Andrew Finko

**Attorney For Candidate:** Timothy Lapp

**Number of Signatures Required:** 1000

**Number of Signatures Submitted:** 2081

**Number of Signatures Objected to:** 1238

**Basis of Objection:** The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer's Address Missing or Incomplete," and "Signer Signed Petition More than Once."

**Dispositive Motions:** None

**Binder Check Necessary:** Yes

**Hearing Officer:** Kelly Cherf

**Hearing Officer Findings and Recommendation:** A records examination commenced and was completed on December 28, 2011. Both parties were present at the records examination. The examiners ruled on objections to 1238 signatures. 781 objections were sustained leaving 1300 valid signatures, which is 300 signatures more than the required minimum number of signatures. Accordingly, the Hearing Officer recommends that Patricia "Pat" Mahon be certified for the ballot as a Democratic candidate for the office of State Senator for the 15<sup>th</sup> Legislative District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

**Recommendation of the General Counsel:** I concur with the Recommendation of the Hearing Officer that the objection be overruled, however I further recommend that a decision to certify the candidate be stayed pending resolution of the objection in Harris v. Mahon, 11 SOEB GP 505.



BEFORE THE DULY CONSTITUTED ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO  
THE NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE OFFICE OF  
STATE SENATOR FOR THE 15<sup>TH</sup>  
LEGISLATIVE DISTRICT IN THE STATE OF ILLINOIS

DONTÉ MONTGOMERY,	)	
	)	
YASHIKA WILLIAMS,	)	
	)	
Petitioners-Objectors,	)	
	)	
v.	)	Case No. 11-SOEB-GP-519
	)	
PATRICIA "PAT" MAHON,	)	
	)	
Respondent-Candidate.	)	

**HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS**

This matter coming before the State Board of Elections as the duly qualified Electoral Board and before the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Findings and Recommendations:

The Candidate, Patricia "Pat" Mahon (the "Candidate"), timely filed her Nomination Papers with the State Board of Elections to qualify as a Candidate for the office of State Senator for the 15<sup>th</sup> Legislative District of the State of Illinois to be voted on at the primary election on March 20, 2012.

On December 11, 2011, the Objectors, Donte Montgomery and Yashika Williams (the "Objectors"), timely filed a verified Objectors' Petition. In the Petition, the Objectors argue that the Candidate's Nomination Papers are invalid and/or insufficient as the petition sheets contain fewer than the requisite 1000 signatures because they contain the following deficiencies: a) signatures that are not genuine; b) names and addresses of individuals who are not registered voters or not registered at address that is listed; c) names of individuals who are not residents of the 15<sup>th</sup> Senate District in Illinois; d) the names of persons for whom the addresses are missing or incomplete; e) names of persons who signed the petition more than once; and e) other deficiencies as indicated in the "other" column of the Appendix-Recapitulation including "inactive," "no signature" and "printed." Attached to the Objector's Petition is an Appendix-Recapitulation.

An initial hearing and case management conference on this matter was held on December 20, 2011. Andrew Finko appeared on behalf of the Objectors. Timothy Lapp appeared on behalf of the Candidate. The Candidate did not file a motion to strike or dismiss the Petition.

The Records Examination commenced and was completed on December 28, 2011. Both parties were present at the Records Examination. The Candidate needs 1000 signatures to be on the ballot. The Candidate submitted 2081 signatures. The examiners ruled on objections to 1,238 signatures. 781 objections were sustained leaving 1300 valid signatures which is 300 signatures more than the required number of signatures.

A case management hearing was held telephonically on January 3, 2011. Counsel for both parties represented that neither party will file a Rule 9 Motion.

Accordingly, I recommend that Patricia "Pat" Mahon be certified for the ballot as a candidate for the office of State Senator for the 15<sup>th</sup> Legislative District of the State of Illinois to be voted on at the Primary Election to be held on March 20, 2012.

Date: January 3, 2012



---

Kelly McCloskey Chert  
Hearing Officer

STATE OF ILLINOIS, )  
 )  
Donte Montgomery, )  
 )  
Yashika Williams )  
Petitioner-Objector, ) ss.  
 )  
v. )  
Patricia "Pat" Mahon, )  
 )  
Respondent-Candidate )

## INTRODUCTION

1. The Objector Yashika Williams resides at 14500 Clinton Street, in the City of Harvey, State of Illinois, 60426 and is a duly qualified, legal and registered voter at the address.

3. The Objector's interest in filing this Petition is that of a voter desirous that the laws governing the filing of Nomination/Election Papers for the office of State Senator, 15<sup>th</sup> Legislative District, State of Illinois, are properly compiled with, and that only qualified candidates appear on the ballot for said office.

The Objector makes the following objections to the purported Nomination Election Papers ("Nomination Papers") of Patricia "Pat" Mahon as a candidate for the office of State Senator, 15<sup>th</sup> Legislative District, State of Illinois, to be voted for at the Primary

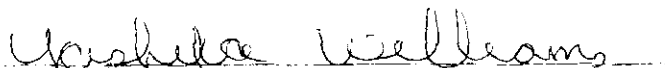
Election on March 20<sup>th</sup>, 2012 ("Election"). The Objector states that the Nomination/Election Papers are insufficient in fact and law for the following reasons.

1. Pursuant to State law, Nomination/Election Papers for the Office to be voted for at the Election must contain the signatures of not fewer than 1,000 duly qualified, registered and legal voters of the State Senator, 15<sup>th</sup> Legislative District, State of Illinois, collected in the manner prescribed by law. In addition, Nomination/Election Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for the Illinois election code, and other wise executed in the form provided by law. The Nomination/Election Papers purport to contain the signatures of in excess of 1,000 such voters, and further purport to have been gathered, presented and executed in the manner provided by the Illinois Election Code.
2. The Nomination/Election Papers contain petition sheets with the names of persons who did not sign the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein under the heading Column a., "Signer's Signature Not Genuine," in violation of the Illinois Election Code.
3. The Nomination/Election Papers contain petition sheets with the names of persons who are not registered voters, who signed the papers in their own proper persons, and such signatures are not genuine and are forgeries, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column b., "Signer Not Registered at Address Shown," in violation of the Illinois Election Code.
4. The Nomination/Election Papers contain petition sheets with the names of persons for whom the addresses stated are not in the State Senator, 15<sup>th</sup> Legislative District, State of Illinois, and such persons are not registered voters in the State Senator, 15<sup>th</sup> Legislative District, State of Illinois., as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column c., "Signer Resides Outside District," in violation of the Illinois Election Code.
5. The Nomination/Election Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column d., "Signer's Address Missing or Incomplete," in violation of the Illinois Election Code.
6. The Nomination/Election Papers contain petition sheets with the names of persons who have signed the Nomination Papers more than one time as is

set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading, Column e., "Signer Signed Petition More Than Once at Sheet Indicated," in violation of the Illinois Election Code.

7. The Nomination/Election Papers contain petition sheets with "Other" specified defects, and said defects invalidate the signatures, as is set forth specifically in the Appendix-Recapitulation attached hereto and incorporated herein, under the heading Column f., "Other," in violation of the Illinois Election Code.
8. The Nomination/Election Papers contain less than 1,000 validly collected signatures of qualified and duly registered legal voters of State Senator, 15<sup>th</sup> Legislative District, State of Illinois, signed by such voters in their own proper person with proper addresses, below the number required under Illinois law, as is set forth by the objections recorded in the Appendix-Recapitulation attached hereto and incorporated herein.
9. The Appendix-Recapitulation is incorporated herein, and the objections made therein are a part of this Objector's Petition.

WHEREFORE, the Objectors requests: a) a hearing on the objections set forth herein, b) an examination by the aforesaid Election Board of the official records relating to voters in the State Senator, 15<sup>th</sup> Legislative District, State of Illinois, to the extent that such examination is pertinent to any of the matters alleged herein; c) a ruling that the Nomination/Election Papers are insufficient in the law and fact, and d) a ruling that the name of Patricia "Pat" Mahon shall not appear and not be printed on the ballot for election to the office of State Senator, 15<sup>th</sup> Legislative District, State of Illinois, to be voted on at the Primary Election to be held March 20<sup>th</sup>, 2012.



OBJECTOR: YASHIKA WILLIAMS  
14500 Clinton Street  
Harvey, Illinois, 60426



OBJECTOR: DONTÉ MONTGOMERY  
907 E. Miller Pl  
Phoenix, Illinois, 60426

VERIFICATION

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF COOK            )

I, YASHIKA WILLIAMS, Begin first duly sworn upon oath, depose and state that I have read the above and foregoing OBJECTOR'S PETITION and that the matters and facts contained therein are true and correct to the best of my knowledge and belief.

*Yashika Williams*

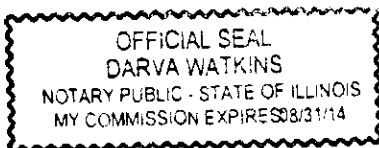
Subscribed and sworn to before me

By ~~YASHIKA WILLIAMS~~

This 12<sup>th</sup> day of December, 2011

*Darva Watkins*

Notary Public



**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING  
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR  
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL  
ASSEMBLY FOR THE 102<sup>ND</sup> REPRESENTATIVE DISTRICT OF THE STATE OF  
ILLINOIS**

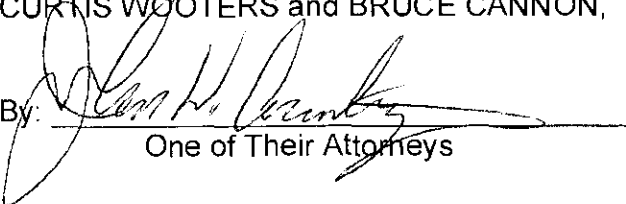
CURTIS WOOTERS and BRUCE CANNON,	)	
	)	
Petitioners-Objectors,	)	
	)	
vs.	)	11 SOEB GP 103
	)	
ROBERT ROMAN,	)	
	)	
Respondent-Candidate.	)	

**WITHDRAWAL OF OBJECTORS' PETITION**

NOW COMES the Objectors, Curtis Wooters and Bruce Cannon, by and through their attorneys, John W. Countryman of The Foster & Buick Law Group, LLC, and John Fogarty, Jr., and hereby moves to withdraw the Objectors' Petition previously filed in this matter and/or, if in fact the Board determines that the Objectors' Petition cannot be withdrawn, the Objectors move to dismiss the Objectors' Petition previously filed voluntarily and with prejudice.

Dated 22<sup>nd</sup> day of December, 2011.

CURTIS WOOTERS and BRUCE CANNON,

By:   
One of Their Attorneys

John W. Countryman  
The Foster & Buick Law Group, LLC  
2040 Aberdeen Court  
Sycamore, Illinois 60178  
Telephone: (815) 758-6616  
Cell Phone: (815) 761-3806  
Fax: (815) 756-9506  
E-Mail: jwcbo@aol.com

John G. Fogarty  
Law Office of John Fogarty, Jr.  
4043 N. Ravenswood, Suite 226  
Chicago, Illinois 60613  
Telephone: (773) 680-4962  
Cell Phone: (773) 680-4962  
Fax: (773) 681-7147  
E-Mail: fogartyjr@gmail.com

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING  
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR  
CANDIDATES FOR THE OFFICE OF REPRESENTATIVE IN THE GENERAL  
ASSEMBLY FROM THE 102<sup>nd</sup> REPRESENTATIVE DISTRICT OF THE STATE OF  
ILLINOIS.

Curtis E. Wooters and Bruce E. Cannon)

Petitioner-Objectors, )

vs. )

Robert "Rob" Roman, )

Respondent-Candidate. )

VERIFIED OBJECTORS' PETITION

Now comes Curtis E. Wooters and Bruce E. Cannon (hereinafter referred to as the "Objectors"), and states as follows:

1. Curtis E. Wooters resides at 107 West North 3<sup>rd</sup> Street, Findlay, Illinois 62534 in Shelby County, IL in the One Hundred Second Representative District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Representative in the General Assembly from the One Hundred Second Representative District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

2. Bruce E. Cannon resides at Rural Route 1 Box 68, Findlay, IL 62534 in Shelby County, IL in the One Hundred Second Representative District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of

STATE BOARD OF ELECTIONS  
11 DEC 12 PM 2:37



nomination papers for a Candidate for Election to the Office of Representative in the General Assembly from the One Hundred Second Representative District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.

3. Your Objectors makes the following objections to the nomination papers of Robert "Rob" Roman ("the Nomination Papers") as a candidate for nomination of the Republican Party to the Office of Representative in the General Assembly from the 102<sup>nd</sup> Representative District of the State of Illinois, and files the same herewith, and states that the said nomination papers are insufficient in law and in fact for the following reasons:

4. Your Objectors state that in the 102<sup>nd</sup> Representative District of the State of Illinois the signatures of not less than 500 duly qualified, registered, and legal voters of the said 102<sup>nd</sup> Representative District of the State of Illinois are required. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

**The Candidate Has An Insufficient Number Of Signatures To Qualify For Office**

5. Your Objectors state that the Candidate has filed 63 petition signature sheets containing a total of 887 signatures of allegedly duly qualified, legal, and registered voters of the 102<sup>nd</sup> Representative District of the State of Illinois.

6. Your Objectors state that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

7. Your Objectors further state that the aforesaid nomination papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the 102<sup>nd</sup> Representative District of the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix Recapitulation under the column designated "SIGNER NOT REGISTERED AT ADDRESS SHOWN/ILLEGIBLE (A)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

8. Your Objectors further state that the said nomination papers contain the names of numerous persons who have signed said petition but who are not, in fact, duly qualified, registered, and legal voters at addresses that are located within the boundaries of the 102<sup>nd</sup> Representative District of the State of Illinois as shown by the addresses they have given on the petition, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT IN DISTRICT (B)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

9. Your Objectors further state that the said nomination papers contain the names of numerous persons who did not sign the said nomination papers in their own proper persons, and that the said signatures are not genuine, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT PROPER PERSON AND NOT GENUINE (C)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

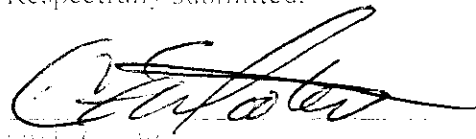
10. Your Objectors state that various purported signatures are legally defective and deficient in that the address shown next to said voter's name is incomplete, as more fully set forth in the Appendix-Recapitulation, under the column designated "INCOMPLETE ADDRESS

(E)" attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.

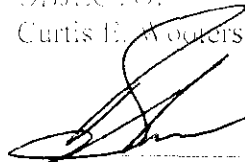
12. Your Objectors state that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 483 individuals. The individual objections cited herein with specificity reduce the number of valid signatures by 404 or to 483 or 17 below the statutory minimum of 500.

WHEREFORE, your Objectors pray that the purported nomination papers of Robert "Rob" Roman as a candidate of the Republican Party for nomination to the office of the Representative in the General Assembly from the 102<sup>nd</sup> Representative District of the State of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the Candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Robert "Rob" Roman as a candidate of the Republican Party for nomination to the office of the Representative in the General Assembly from the 102<sup>nd</sup> Representative District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT of the Republican Party at the General Primary Election to be held on March 20, 2012.

Respectfully submitted,



OBJECTOR  
Curtis E. Wothers



OBJECTOR  
Bruce L. Cannon

John W. Countryman  
Attorney for Objectors

The Foster & Buick Law Group  
2040 Aberdeen Ct.  
Sycamore, IL 60178  
(815) 758-6616  
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Cell 815-761-3806  
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Attorney for Objectors  
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Chicago, Illinois 60613  
(773) 549-2647  
(773) 680-4962 (mobile)  
(773) 681-7147 (fax)  
[john@fogartylawoffice.com](mailto:john@fogartylawoffice.com)

(815) 758-6616

Fax (815) 756-9506

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Attorney for Objectors

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Chicago, Illinois 60613

(773) 549-2647

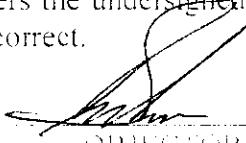
(773) 680-4962 (mobile)

(773) 681-7147 (fax)

[john@fogartylawoffice.com](mailto:john@fogartylawoffice.com)

VERIFICATION

The undersigned as Objector, after being duly sworn, depose and say that [he] [she] has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that [he] [she] verily believes the same to be true and correct.

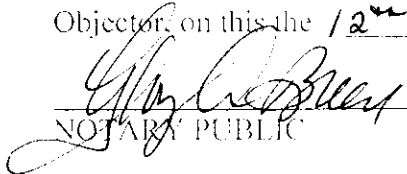
  
\_\_\_\_\_  
OBJECTOR

County of Effingham )

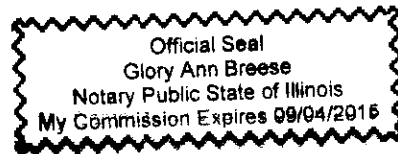
) ss.

State of Illinois )

Subscribed to and Sworn before me a Notary Public by Bruce Cannon, the  
Objector, on this the 12<sup>th</sup> day of December, 2014 at Effingham, Illinois.

  
\_\_\_\_\_  
NOTARY PUBLIC (SEAL)

My Commission expires 9/4/2015



## VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that [he] [she] has read this VERIFIED OBJECTION, and that the statements therein are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that [he] [she] truly believes the same to be true and correct.

and correct.

CE WATERS  
OBJECTOR

County of STHELBY )  
 ) SS.  
State of Illinois )

Subscribed to and Sworn before me a Notary Public, by Ct Winter 9 the  
Objector, on this the 12 day of December, 1911. Decatur

Mary G. Lowe (SEAL)  
NOTARY PUBLIC

My Commission expires: 9-14-2012



**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING  
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF  
CANDIDATES FOR ELECTION TO THE OFFICE OF STATE SENATE FOR THE 50<sup>TH</sup>  
DISTRICT IN THE STATE OF ILLINOIS**

MICHAEL HARMON	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	No. 11-SOEBGP-108
	)	
STEVEN DOVE,	)	
	)	
Respondent-Candidate.	)	

**VERIFIED MOTION TO WITHDRAW OBJECTOR'S PETITION**

NOW COMES Petitioner-Objector, MICHAEL HARMON (hereinafter referred to as the "Objector"), and states as follows: Petitioner hereby formally withdraws the objection filed in this case on December 12, 2011, and respectfully requests that the case be dismissed.

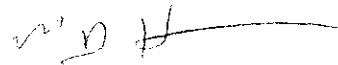
  
\_\_\_\_\_  
MICHAEL HARMON

STATE SOLELY BY PETITION  
11 DEC 22 PM 4:51



**VERIFICATION**

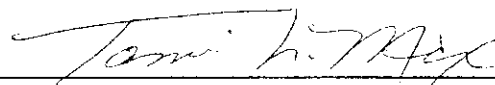
The undersigned as Petitioner-Objector, first being duly sworn on oath, now deposes and says that he has read this **VERIFIED MOTION TO WITHDRAW OBJECTOR'S PETITION** and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certified as aforesaid that he verily believes the same to be true and correct.



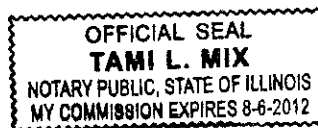
\_\_\_\_\_  
Michael Harmon  
1522 Old Ivy  
Springfield, Illinois 62704

STATE OF ILLINOIS                    )  
  )  
COUNTY OF SANGAMON            )

SUBSCRIBED AND SWORN to before me this 21<sup>ST</sup> day of December, 2011.



Notary Public



**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING  
AND PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS OF  
CANDIDATES FOR ELECTION TO THE OFFICE OF STATE SENATE FOR THE 50<sup>TH</sup>  
DISTRICT IN THE STATE OF ILLINOIS**

MICHAEL HARMON	)	
	)	
Petitioner-Objector,	)	
	)	
v.	)	No.
	)	
STEVEN DOVE,	)	
	)	
Respondent-Candidate.	)	

STATE BOARD OF ELECTIONS  
11 DEC 12 PM 4:39

**VERIFIED OBJECTOR'S PETITION**

NOW COMES Petitioner-Objector, MICHAEL HARMON (hereinafter referred to as the "Objector"), and states as follows:

1. The Objector resides at 1522 Old Ivy, Springfield, Illinois 62711, Sangamon County, in 50<sup>th</sup> Senate District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a candidate for election of the 50<sup>th</sup> Senate District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office at the Consolidated Primary Election to be held on March 20, 2012 and at the Consolidated Election on November 6, 2012.

2. Your Objector makes the below-mentioned objections to the nomination papers (the "Nomination Papers") of Steven Dove as a candidate for the 50<sup>th</sup> State Senate District for the State of Illinois, and files the same herewith, and states that the said Nomination Papers are insufficient in law.

3. Your Objector states that in Illinois State Senate District 50, the signatures of not less than 1000 duly qualified, registered, and legal voters of the said 50<sup>th</sup> District are required. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.

4. Your Objector states that the candidate has filed 100 petition signature sheets containing a total of 1,319 signatures of allegedly duly qualified, legal, and registered voters of the 50<sup>th</sup> State Senate District for the State of Illinois.

5. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. A filing made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

6. The Nomination Papers contain petition sheets with the names of persons for whom the addresses given are either missing entirely or are incomplete or incorrect; or names and addresses of individuals who are not registered voters or are not registered voters at the address that is listed; or with names of individuals who are not residents of the 50<sup>th</sup> Senate District in Illinois; or of names of individuals who are not members of, or affiliated with, the Republican Party; or names of individuals who also signed a petition for a candidate of a different political party; or names and/or addresses that are illegible; or signatures that were signed twice; or signatures/addresses that use unacceptable abbreviations or ditto marks; or signed by an individual that is different than the individual whose signature it purports to be. These signatures should be stricken because they do not conform to the standards required by the Illinois Election Code.

7. The Nomination Papers contain a petition sheet which does not bear a notary public's stamp and that page should be stricken in its entirety.

8. The Nomination Papers of Steven Dove do not comply with the requirements of the Illinois Election Code for the following reasons and in the following Nomination Papers and signature lines:

A. The following signatures are for individuals that do not reside within the 50<sup>th</sup> Senate District for the State of Illinois:

<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>
5	8	6	7	8	8
9	4	11	7	11	8
11	11	14	1	14	6
14	10	15	12	15	15
17	13	17	15	18	2
18	4	18	11	18	12
18	13	18	14	18	15
19	3	19	4	19	7
20	9	20	10	21	3
21	8	21	12	22	5
22	8	22	14	32	6
36	2	36	3	36	4
36	6	37	1	37	12
39	13	42	14	42	15
44	5	45	1	45	3
45	6	47	1	48	11
50	3	50	4	51	3
51	8	52	8	52	9
55	6	55	10	56	1
61	6	73	6	74	9
77	1	77	8	78	2
79	11	81	6	81	7
81	14	81	15	83	7
83	8	83	11	83	12
83	13	84	10	86	4
86	5	86	6	86	6
86	12	86	13	86	14
86	15	88	1	89	5
91	5	91	6	91	11
91	12	92	12	94	2
97	11	97	14	98	13
98	14	83	2	84	2

These signatures should be stricken because the alleged voters do not live within the 50<sup>th</sup> Senate District for the State of Illinois.

B. The following signatures are for individuals that are not registered voters or are not registered voters at the address that was listed on the petition:

<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>
3	7	3	15	4	3
4	4	4	5	4	12
4	13	4	14	5	1
5	5	5	10	5	13
5	14	6	1	6	2
7	1	7	2	8	1
8	7	9	5	9	6
11	2	11	11	12	1
14	8	14	14	15	14
16	8	17	14	18	8
19	13	20	2	20	3
21	10	21	13	22	15
24	1	24	2	24	4
24	8	24	12	25	10
25	11	26	13	27	5
27	7	27	8	27	10
28	10	29	4	29	5
29	6	31	6	32	1
32	2	32	7	32	12
32	13	32	14	33	3
33	11	36	1	37	4
37	5	37	14	38	1
39	3	39	6	40	11
40	15	41	1	42	3
42	4	42	6	42	11
44	9	45	5	45	12
45	14	46	2	46	9
47	2	47	3	48	8
48	10	48	15	51	6
51	12	51	13	52	11
52	15	54	8	54	9
54	10	54	11	54	12
54	13	55	5	55	11
58	9	59	4	66	5
68	1	68	11	69	3
69	4	69	8	70	10
71	6	71	7	72	5
73	14	76	4	76	5
77	1	79	10	80	4

<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>
80	5	80	6	81	2
81	8	83	5	83	13
84	2	84	3	85	1
85	3	85	7	85	13
86	15	88	6	88	7
88	8	89	1	91	5
91	11	92	5	94	11
97	1	98	5	99	1
99	2	100	12	27	11
43	10	48	3	88	9
88	10	66	12	19	5
73	13	78	4	44	7
80	7	44	13	44	14
83	9	78	6		

These signatures should be stricken because the alleged voters have not listed their full or correct addresses or are not a registered voter at the address that was recorded or are not a registered voter at all as required by the Illinois Election Code.

C. The following signatures are for individuals that also signed a petition for the Democratic candidate for Sangamon County Recorder, Joshua "Josh" Langfelder:

<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line: Joshua Langfelder's petitions(see exhibit)</u>
6	14	27	5
28	2	102	9
28	5	102	6
28	7	102	4
30	15	102	1
32	4	87	7
49	15	14	4
51	2	68	6
55	2	62	9
55	7	62	10
55	8	63	6
55	9	99	5
55	12	63	4
55	13	63	3
58	3	69	3
58	4	69	4
59	10	9	1
61	2	62	7
61	3	62	1
61	4	62	2
61	10	62	6
65	6	118	6

<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line: Joshua Langfelder's petitions(see exhibit)</u>
67	15	47	6
76	4	40	6
76	5	40	5
90	8	85	2
95	15	65	6
96	1	14	10
96	3	46	9
96	4	46	8
96	11	13	6
96	12	64	1
96	15	47	10
99	1	47	9
99	2	47	8

These signatures should be stricken because the alleged voters have signed petitions for both a Democratic candidate and a Republican candidate for the same primary election, in violation of the Illinois Election Code.

- D. The following signatures are for individuals that also signed a petition for the Democratic candidate for Judge of the Circuit Court for the State of Illinois in the 7<sup>th</sup> Judicial Circuit, Timothy J. Londrigan:

<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line: Timothy Londrigan's petitions(see exhibit)</u>
2	11	17	8
8	1	21	9
18	5	14	1
18	6	22	10
18	7	22	13
18	8	14	4
18	11	35	10
18	12	35	11
18	13	35	12
32	8	8	14
32	9	7	1
33	9	29	5
44	10	7	11
46	2	33	6
49	2	14	4
70	9	11	14
71	4	35	5
73	15	7	13
76	10	35	8
77	12	21	10
90	1	7	2
90	14	21	15
92	8	7	5

These signatures should be stricken because the alleged voters have signed petitions for both a Democratic candidate and a Republican candidate for the same primary election, in violation of the Illinois Election Code.

- E. The following signatures are for individuals that also signed a petition for the Democratic candidate for Sangamon County State's Attorney, Ron Stradt:

<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line: Ron Stradt's petitions(see exhibit)</u>
55	4	17	2
13	1	28	3

These signatures should be stricken because the alleged voters have signed petitions for both a Democratic candidate and a Republican candidate for the same primary election, in violation of the Illinois Election Code.

- F. The following signatures are from individuals that signed Steven Dove's petitions for nomination more than one time:

<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line of the corresponding signature</u>
2	13	31	15
3	4	34	5
4	1	41	7
5	2	18	6
5	3	18	7
6	6	92	4
6	15	42	8
8	6	16	7
8	4	13	4 and again on page 34 line 1
8	6	16	7
8	15	44	4
13	4	8	4 and again on page 34 line 1
18	6	5	2
18	7	5	3
20	11	57	8
22	3	49	3
22	4	92	2 and again on page 50 line 14
31	15	2	13
34	1	13	4 and again on page 8 line 4
42	7	4	1
42	8	6	15
44	4	8	15
47	14	51	1
49	3	22	3
50	14	92	2 and again on page 22 line 4
51	1	47	14
53	3	96	3



<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line of the corresponding signature</u>
54	5	3	4
54	15	55	15
55	15	54	15
57	4	78	11
57	8	20	11
60	10	79	3
69	7	8	6
69	8	81	1
78	11	57	4
79	3	60	10
81	1	69	8
92	2	22	4 and again on page 50 line 14
92	4	6	6
96	5	53	3

All of these signatures should be stricken because the alleged voters signed a petition for the same candidate and office on multiple occasions in violation of the Illinois Election Code. The majority of these signatures were allegedly collected and secured by the same circulator, Steven Dove.

- G. The following signatures are from individuals that are not members of nor affiliated in any way with the Republican Party:

<u>Page</u>	<u>Line</u>
2	6
2	7
49	14
49	15
77	15

All of these signatures should be stricken because the alleged voters signed a petition indicating that they were affiliated with the Republican Party when they are not in violation of the Illinois Election Code.

- H. The following signatures are illegible or incorrect or contain either incomplete or illegible addresses or are individuals that may not live in the 50<sup>th</sup> Senate District or may not be registered voters or may have not been signed by the individual than the signature purports to be or contains improper abbreviations or the improper use of ditto marks:

<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>
61	1	61	15	66	12
70	6	71	1	73	3
73	12	73	13	73	15
77	9	78	47	79	10

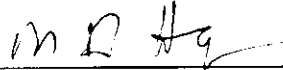
<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>	<u>Page</u>	<u>Line</u>
80	7	81	40	85	10
88	10	89	8	90	11
91	10	91	15	92	15
95	4	95	10	97	1
97	12	99	15	100	14
2	5	2	10	3	10
5	9	6	8	7	9
8	10	8	11	10	1
11	5	11	9	13	7
19	5	24	13	25	9
25	15	35	15	37	7
41	2	41	3	41	11
41	12	41	13	41	14
42	13	44	7	44	13
44	14	48	5	48	7
50	9	52	10		

1. Sheet 53 – Should be stricken in its entirety in that there is no notary public's official seal on the page as required by the Illinois Election Code.

9. Your Objector states that the Nomination Papers herein contested consist of various sheets supposedly containing the valid and legal signatures of <sup>9,119</sup>1,319 individuals. The individual objections cited herein with specificity reduce the number of valid signatures by <sup>9,119</sup>398 to 921, or <sup>9,119</sup>79 below the statutory minimum of 1,000.

**WHEREFORE,** Petitioner-Objector, MICHAEL HARMON, prays that the purported Nomination Papers of Steven Dove as a candidate for nomination to the 50<sup>th</sup> State Senate District of Illinois be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Steven Dove as a candidate for nomination to the office State Senate in the 50<sup>th</sup> District of Illinois NOT BE

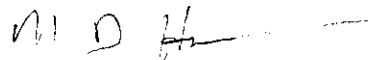
PRINTED on the OFFICIAL BALLOT at the Consolidated Primary Election to be held on  
March 20, 2012 and at the Consolidated Election on November 6, 2012.

A handwritten signature in dark ink, appearing to read "m d Hg", is written above a horizontal line.

MICHAEL HARMON

**VERIFICATION**


The undersigned as Petitioner-Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certified as aforesaid that he verily believes the same to be true and correct.



Michael Harmon  
1522 Old Ivy  
Springfield, Illinois 62704

STATE OF ILLINOIS                    )  
  )  
COUNTY OF SANGAMON            )

SUBSCRIBED AND SWORN to before me this 12<sup>th</sup> day of December, 2011.

  
Notary Public



JOHN A. LEIFHEI  
(1920 - 2008)  
DANIEL L. CLIFFE  
(1919 - 2003)

KEITH L. FOSTER, P.C.  
KEVIN E. BUICK  
TIMOTHY J. CONKLIN  
TAIT J. LUNDGREN  
JILL M. TRITT

DOUGLAS R. ENGEL  
*Of Counsel*

JOHN W. COUNTRYMAN  
*Of Counsel*

THE  
**FOSTER & BUICK**  
**LAW GROUP, LLC**

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JCOUNTRYMAN@FOSTERBUICK.COM

December 22, 2011

Mike Harmon  
1522 Old Ivy Drive  
Springfield, Illinois  
harmonmdlaw@yahoo.com

*Via E-Mail Only*

Re: Harmon v. Dove  
Our File No. 2011-0939

Dear Mr. Harmon:

John Fogarty, who is my co-counsel in this matter has forwarded to me an e-mail that he received from you on Wednesday, December 21, 2011, which reads:

*Received. Thank you. I plan to file a verified motion to withdraw the objector's petition tomorrow. I will let you know when it is filed and forward a copy to you. I will keep you informed if my plans change. Sincerely, Michael D. Harmon.*

We are under a deadline to file a Motion to Strike, which I have generally prepared and plan to file by 5:00 p.m. today, December 22, 2011. Given your last sentence stating that you will keep us informed if you plans change, I see no alternative but to file my Motion to Strike this afternoon.

I would appreciate your keeping me fully apprised of your intentions at my e-mail, which is jcountryman@fosterbuick.com. Also, please keep the Hearing Officer apprised of your actions as well at her e-mail address of kmc@hmltd.com.

Very truly yours,

THE FOSTER & BUICK LAW GROUP, LLC

By: 

John W. Countryman, for the firm

JWC/sm

**BEFORE THE DULY CONSTITUTED STATE OFFICER'S ELECTORAL BOARD  
FOR THE HEARING AND PASSING UPON OF OBJECTIONS TO NOMINATION  
PAPERS OF CANDIDATES FOR THE NOMINATION OF THE REPUBLICAN PARTY  
FOR THE OFFICE OF STATE SENATOR FOR THE 50<sup>TH</sup> DISTRICT FOR THE  
STATE OF ILLINOIS**

MICHAEL HARMON,	)	
	)	
Petitioner-Objector,	)	
	)	
vs.	)	11 SOEB GP 108
	)	
STEVEN DOVE,	)	
	)	
Respondent-Candidate.	)	

**CANDIDATE'S MOTION TO STRIKE PARTS OF OBJECTOR'S PETITION**

NOW COMES the Respondent-Candidate, Steven Dove (hereinafter referred to as "Candidate"), by and through his attorneys, John W. Countryman of The Foster & Buick Law Group, LLC, and John Fogarty, Jr., and moves to strike the following parts of the Verified Objector's Petition filed by Michael Harmon (hereinafter referred to as "Objector"), and in support thereof, states as follows:

1. Candidate moves to strike Paragraphs 7 and 8I of the Objector's Petition, both of which refer to sheet 53 and claim that sheet 53 should be stricken in its entirety because there is no notary seal. Case law does not require that a notary imprint a stamp seal if, in fact, the notary has signed the page, as the notary has in this instance. The fact that the notary signed the page is, in fact, the only necessary act that the notary must perform to make the document comply with the Code of Elections. The seal is purely an administrative act and done generally for purposes of recording documents. The rules of the State Officer's Electoral Board, adopted at their meeting on December 20, 2011, in the Appendix, Paragraph II, Sub-Paragraph G, states: "*Sheet Not Notarized*", and provides in part: "Simply missing a notary seal does not invalidate

the sheet, unless the Objector establishes that the sheet was not notarized by a qualified notary public.”

In this instance the sheet was signed by the notary and there is no allegation that the notary was not in fact a qualified notary, thus the Candidate seeks to have these Paragraphs of the Objection stricken.

2. The Candidate moves to strike Paragraph 8G of the Objection’s Petition, and the objection made to the pages and lines therein. The Paragraph provides as follows: “The following signatures are from individuals that are not members, nor affiliated in any way with the Republican party.” However, the heading of the Candidate’s Petition sheet contains the language that “the undersigned state that they are qualified primary electors of the Republican party.” That statement in and of itself is a statement of declaration by the signor that they have become a member of the Republican party and is sufficient for purposes of signing a petition and does not violate the Election Code of Illinois, the laws of the State of Illinois, or of the United States of America. Cases held that the United States Constitution prohibit infringement upon the freedom of the signor to elect the party which they seek to nominate for office. Also, the General Assembly has eliminated the “lock out” provisions once applied to petition signors in the Election Code, which were held unconstitutional (see Kusper v. Pontikes, 414 U.S. 51, 94 S.Ct. 303, 38 L.Ed.2d 260 (1973); Sperling v. County Officers Electoral Board, 57 Ill.2d 81, 309 N.E.2d 589 (1974)).

3. The Candidate moves to strike Paragraphs 8C, 8D, and 8E of the Objector’s Petition and all the material contained therein, because it is incomplete. Paragraphs 8C, 8D, and 8E purportedly compares lines of the Candidate’s Petition sheets with lines of another candidate’s petition sheets and says after the candidate’s

name "(see exhibit)". No exhibit was attached and therefore the Objection is incomplete and should be stricken in its entirety.

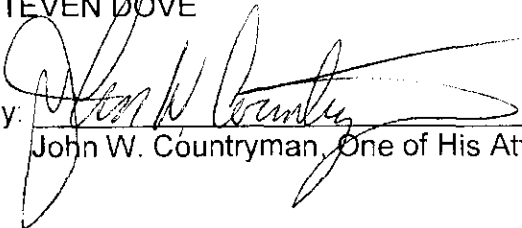
The objection may not be amended once filed. Reyes v. Bloomingdale Twp. Electoral Board, 265 Ill.App.3d 69, 638 N.E.2d 782 (2<sup>nd</sup> Dist. 1994).

4. Candidate moves to strike the portion of Paragraph 8F that objects to all signatures. At least one signature for any duplicate should be counted as valid on the Petition.

WHEREFORE, Candidate, Steven Dove, prays that this body strike the paragraphs of the Objection as set forth above and for other relief as is equitable and just.

Dated 22<sup>nd</sup> day of December, 2011.

STEVEN DOVE

By:   
John W. Countryman, One of His Attorneys

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The Foster & Buick Law Group, LLC  
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John G. Fogarty  
Law Office of John Fogarty, Jr.  
4043 N. Ravenswood, Suite 226  
Chicago, Illinois 60613  
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Cell Phone: (773) 680-4962  
Fax: (773) 681-7147  
E-Mail: fogartyjr@gmail.com



BEFORE THE ILLINOIS STATE OFFICERS ELECTORAL BOARD

David S. Kim	)	
Objector	)	
	)	
-v-	)	11 SOEB GP 109
	)	
Melissa S. Barnhart	)	
	)	
Candidate	)	

**HEARING OFFICER'S REPORT AND RECOMMENDED DECISION**

This matter was first heard on December 20, 2011 and assigned to this Hearing Officer. A case management conference was held on said date. The Objector appeared through counsel John Countryman and counsel John Fogarty. The Objector did not appear. Subsequent to the case management conference, an original Withdrawal of Objections dated December 15, 2011 was received in the mail by the State Board of Elections.

In light of the Withdrawal of Objections, it is my recommendation that the objections be found moot and that the nominating papers of Melissa S. Barnhart, candidate for the Republican nomination to the office of Judge of the Circuit Court for the 23<sup>rd</sup> Circuit, A Vacancy be found valid and that the name of Melissa S. Barnhart be printed on the ballot for said office at the March 20, 2012 General Primary Election.

Respectfully submitted,

Barbara Goodman /s/

Barbara Goodman  
Hearing Officer  
12/26/11



## KIM LAW OFFICES, LLC

Ken Menzel, Deputy Counsel  
Illinois State Board of Elections  
100 West Randolph Street, Suite 14-100  
Chicago, Illinois 60601

CHICAGO  
11 DEC 17 PM 2 32  
STATE BOARD OF ELECTIONS

December 15, 2011  
Re: Withdrawal of Objection – Kim v. Barnhart

Dear Mr. Menzel,

I am sending you this letter as a follow up to our conversation on December 15, 2011. The purpose of this letter is to give the Illinois State Board of Elections notice of my desire to withdraw the verified objector's petition I filed on December 12, 2011 in the matter of Kim v. Barnhart regarding the 23<sup>rd</sup> Circuit judicial vacancy. Additionally, I intend for this letter to serve as evidence of aforesaid withdrawal of objections. Per our prior conversation, I will also be concurrently sending a copy of this letter to all interested parties. Thank you.

Sincerely,

David S. Kim

The undersigned witness certifies that David S. Kim, known to me to be the same person whose name is subscribed as principal to the foregoing letter, appeared before me as the notary public and acknowledged signing and delivering the instrument as the free and voluntary act of the principal, for the uses and purposes therein set forth.

Dated: December 15, 2011 (SEAL)

Notary Public's Signature



**BEFORE THE DULY CONSTITUTED ELECTORAL BOARD FOR THE HEARING AND  
PASSING UPON OBJECTIONS TO THE NOMINATION PAPERS FOR CANDIDATES FOR  
THE OFFICE OF RESIDENT CIRCUIT COURT JUDGE – KENDALL COUNTY – ADDITIONAL  
JUDGESHIP A FOR THE 23<sup>RD</sup> JUDICIAL DISTRICT OF THE STATE OF ILLINOIS**

DAVID S. KIM )

Petitioner – Objector )

vs. )

MELISSA S. BARNHART )

Respondent – Candidate )

STATE BOARD OF ELECTIONS

11 DEC 12 PM 4:44

**VERIFIED OBJECTOR'S PETITION**

NOW COMES, David S. Kim (hereinafter referred to as the "Objector"), and states as follows:

1. David S. Kim resides at 1841 Columbine Drive, Yorkville, Illinois 60560, Kendall County in the 16<sup>th</sup> Judicial District of the State of Illinois; that he is duly qualified, registered and a legal voter at such address; that his interest in filing the following objections is that of a citizen desirous of seeing to it that the laws governing the filing of nomination papers for a Candidate for Election to the Office of Resident Circuit Court Judge – Kendall County – Additional Judgeship A for the 23<sup>rd</sup> Judicial District of the State of Illinois, are properly complied with and that only qualified candidates have their names appear upon the ballot as candidates for said office.
2. Your Objector makes the following objections to the nomination papers of Melissa S. Barnhart ("the Nomination Papers") as a candidate for nomination of the Republican Party to the Office of Resident Circuit Court Judge – Kendall County – Additional Judgeship A from the 23<sup>rd</sup> Judicial District of the State of Illinois, and files the same herewith, and states that the said nomination papers are insufficient in law and in fact for the following reasons:
3. Your Objector states that in the 16<sup>th</sup> Judicial District – Kendall County of the State of Illinois the signatures of not less than 500 duly qualified, registered, and legal voters of the said 16<sup>th</sup> District, who are also residents of Kendall County, of the State of Illinois are required. In addition, said Nomination Papers must truthfully allege the qualifications of the candidate, be gathered and presented in the manner provided for in the Illinois Election Code, and otherwise be executed in the form and manner required by law.
4. Your Objector states that the Candidate has filed 58 petition signature sheets containing a total of 782 signatures of allegedly duly qualified, legal, and registered voters of the 23<sup>rd</sup> Judicial District of the State of Illinois.
5. Your Objector states that the laws pertaining to the securing of ballot access require that certain requirements be met as established by law. Filings made contrary to such requirements must be voided, being in violation of the statutes in such cases made and provided.

**The Nomination Papers Do Not Comply With The Requirements of Section 7-10 Of The Election Code Because They Fail To Substantially Comply With The Form Of Petition As Authorized By Law In That They Fail To Identify The Proper Political Division Of The Signers**

6. Your Objector states that heading of each petition sheet includes language as follows: "We, the undersigned, members of and affiliated with the Republican Party and qualified primary electors of the Republican Party, in the 23<sup>rd</sup> Judicial Circuit of the State of Illinois, do hereby petition that..." Your Objector further states that according to the Election Code in Section 7-10, nomination petitions shall be signed by qualified primary electors residing in the political division for which the nomination is sought. Your Objector further states that at the time the petition sheets were signed and continuing until the present day, the signers were not qualified primary electors in the 23<sup>rd</sup> Judicial Circuit in the State of Illinois as indicated on the petition sheets. Pursuant to 705 ILCS 35/1 which states in relevant part: "**Judicial circuits created. The county of Cook shall be one judicial circuit and the State of Illinois, exclusive of the county of Cook, shall be and is divided into judicial circuits as follows: Sixteenth Circuit – Before December 3, 2012, the counties of Kane, DeKalb, and Kendall. On and after December 3, 2012, the County of Kane. Twenty-third Circuit – On and after December 3, 2012, the counties of DeKalb and Kendall.**" In the present case, the petition form heading clearly indicates residence in the 23<sup>rd</sup> Judicial Circuit, which presently, and at all times prior to December 3, 2012, does not legally exist.
7. The aforesaid failure to comply with the Election Code by failing to properly identify the political division of the primary electors renders the entire petition set void.

**The Nomination Papers Do Not Comply With The Requirements of Section 7-10 Of The Election Code Because They Fail To Substantially Comply With The Form Of Petition As Authorized By Law In That The Certification of Deletions Does Not Substantially Conform**

8. Your Objector further states that according to the Election Code in Section 7-10 "The person circulating the petition, or the candidate on whose behalf the petition is circulated, may strike any signature from the petition, provided that: (1) the person striking the signature shall initial the petition at the place where the signature is struck; and (2) the person striking the signature shall sign a certification listing the page number and line number of each signature struck from the petition. Such certification shall be filed as a part of the petition."
9. The Candidate's petition includes a certification of deletions which lists four separate line numbers ("1", "4", "6", "13"), but does not include any page numbers for each signature struck. Furthermore, there is no page number given for the certification of deletions page itself. Finally, the aforementioned certification of deletions page does not indicate whether the candidate is up for "election" or "nomination". These omissions contribute to an overall confusion and work to frustrate an important purpose of the Election Code, which is to guarantee identification and reference to specific pages.
10. The aforesaid failures to comply with the Election Code, in the aforesaid confusing omissions from the certification of deletions page renders the entire petition set invalid.

**The Nomination Papers Do Not Comply With The Requirements of Section 7-10 Of The Election Code Because They Fail To Substantially Comply With The Form Of Petition As Authorized By Law In That The Circulator's Do Not Indicate That The Signers Were Qualified Voters of the Republican Party**

11. Your Objector further states that according to the Election Code in Section 7-10 "At the bottom of each sheet of such petition shall be added a circulator statement...certifying that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought."
12. Your Objector further states that the Candidate's petitions, specifically sheet number 24, sheet number 25, and sheet number 26, do not include a proper circulator statement that certifies that to the best of his or her knowledge and belief the persons so signing were at the time of signing the petitions qualified voters of the political party for which a nomination is sought. The aforesaid sheets contain a circulator statement that does not properly state that the signers are qualified voters of the political party for which a nomination is sought as required by law, instead leaving the space blank. Accordingly, because these petition sheets are not in accordance with Illinois law, each and every sheet should be declared null, void, and invalid.

**The Nomination Papers Do Not Comply With The Requirements of Section 7-10 Of The Election Code Because They Fail To Substantially Comply With The Form Of Petition As Authorized By Law In That The Signatures Are Invalid Or Otherwise Defective**

13. Your Objector further states that the aforesaid nomination papers contain the names of numerous persons who are not in fact duly qualified, registered, and legal voters at the addresses shown opposite their names in the 16<sup>th</sup> Judicial District of the State of Illinois and their signatures are therefore invalid, as more fully set forth in the Appendix-Recapitulation under the column designated "SIGNER NOT REGISTERED (A)," attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided.
14. Your Objector states that various purported signatures are legally defective and deficient for a variety of reasons, as more fully set forth in the Appendix-Recapitulation, under the column designated "OTHER (B)" (together with an appropriate further reason) attached hereto and made a part hereof, all of said signatures being in violation of the statutes in such cases made and provided. These objections include, but are not limited to improper, partial, incomplete, or no address; names stricken or crossed out from the sheets; use of only a partial name; and improper use of name; or individual signature lines being left unfilled or blank or containing a name that has been crossed off, eradicated, stricken, or removed, all of said signatures being in violation of the statutes in such cases made and provided.
15. Your Objector states that the nomination papers herein contested consist of various sheets supposedly containing the valid and legal signatures of 782 individuals. The individual objections cited herein with specificity reduce the number of valid signatures by 782 or to 0, or 500 below the statutory minimum of 500.

WHEREFORE, your Objector prays that the purported nomination papers of Melissa S. Barnhart as a candidate of the Republican Party candidate for nomination of the Republican Party to the Office of Resident Circuit Court Judge – Kendall County – Additional Judgeship A from the 23<sup>rd</sup> Judicial District of the State of Illinois, be declared by this Honorable Electoral Board to be insufficient and not in compliance with the laws of the State of Illinois and that the candidate's name be stricken and that this Honorable Electoral Board enter its decision declaring that the name of Melissa S. Barnhart as a candidate of the Republican Party candidate for nomination of the Republican Party to the Office of Resident Circuit Court Judge – Kendall County – Additional Judgeship A from the 23<sup>rd</sup> Judicial District of the State of Illinois BE NOT PRINTED on the OFFICIAL BALLOT for the Republican Party at the Primary Election to be held on March 20, 2012.




---

David S. Kim, Objector

David S. Kim  
1841 Columbine Drive  
Yorkville, Illinois 60560  
Phone: 630-277-2002  
Fax: 630-413-9601  
Email: [david@thekimlawoffices.com](mailto:david@thekimlawoffices.com)

VERIFICATION

The undersigned as Objector, first being duly sworn on oath, now deposes and says that he has read this VERIFIED OBJECTOR'S PETITION and that the statements therein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true and correct.

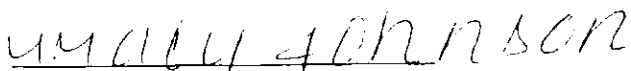


David S. Kim, Objector

David S. Kim  
1841 Columbine Drive  
Yorkville, Illinois 60560  
Phone: 630-277-2002  
Fax: 630-413-9601  
Email: [david@thekimlawoffices.com](mailto:david@thekimlawoffices.com)

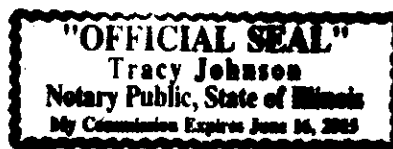
County of Kane                    )  
  ) ss.  
State of Illinois                )

Subscribed to and Sworn before me, a Notary Public, by David S. Kim, the Objector, on this the 12<sup>th</sup> day of December, 2011, at Sugar Grove, Illinois.

  
NOTARY PUBLIC

[notary seal]

My Commission expires: 4/14, 2015



**BEFORE THE STATE OFFICERS ELECTORAL BOARD**

Harris	)	
	)	
	)	Objector,
	)	
v.	)	11 SOEB GP 507
	)	
Harris	)	
	)	
	)	Candidate.

**MOTION TO WITHDRAW OBJECTION**

Now comes the Objector by her attorney James P. Nally PC and moves to withdraw the objection filed herein.

**Wherefore it is respectfully requested that this Honorable Electoral Board enter an order allowing for the withdrawal of this objection and dismissing these proceedings.**

Respectfully submitted,

  
\_\_\_\_\_  
James P. Nally, P.C.

James P. Nally  
James P. Nally, P.C.  
8 S. Michigan Avenue  
Suite 3500  
Chicago, Illinois 60603  
Phone: (312) 422 5560  
Fax: (312) 346 7999  
E-mail: [jpnlaw@att.net](mailto:jpnlaw@att.net)